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Compliments.
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James Baird Hunt.
"
Trenton. N. J.
May 11th 1910.

ORATIONS
AND
HISTORICAL ADDRESSES

Samuel F. Hunt

ORATIONS

AND

HISTORICAL ADDRESSES

BY

SAMUEL FURMAN HUNT, LL. D., L. H. D.

Late Judge of the Superior Court of Cincinnati, Ohio

EDITED BY

The Members of His Family

WITH A BIOGRAPHICAL ESSAY

BY CALVIN DILL WILSON

"Judge Hunt kept the fires of antiquity burning."
DR. GEORGE C. S. SOUTHWORTH.

CINCINNATI
THE ROBERT CLARKE COMPANY
1908

Copyright, 1908
By JAMES BAIRD HUNT

To the Memory of My Mother
This Volume
is Affectionately Inscribed

CONTENTS

	PAGE
The Fallen Brave	1
Miami's Honored Dead	8
Miami Union Literary Society	11
Faculty of Cincinnati Law School	15
Law and Medicine	18
Chief Justice Waite	24
The Veto Power	26
Centennial of the Republic	49
Scholarship and Country	73
Conscience in Public Life	97
General Grant	126
The Miami Valley	134
Mexican War: Causes and Results	161
Young Men's Mercantile Library Association of Cincinnati	180
The Ordinance of 1787: Its History and Influence on the Northwestern States	196
James A. Garfield	219
Major General Richard Montgomery	226
In Memory of Judge E. F. Noyes, E. C. Williams, and Judge J. A. Jordan	244
Rufus King	248
The Defeat of Major General Arthur St. Clair	254
Charles McMicken	283
Annual Address before Bar Association	309
Christopher Columbus	345
The American Flag	360
Abraham Lincoln	370
General Anthony Wayne and the Battle of Fallen Timbers	388
The Delta Kappa Epsilon Fraternity; its Ideals and Mission	417
King Philip's War	432
James Robert Bickley	444
Springfield Township Pioneer Association	448

FOREWORD

There are many evidences that Judge Hunt made so indelible an imprint upon multitudes by his life and speeches as to call for the publication of his orations in permanent form. It was his own plan that his addresses should be issued, and he had made partial arrangements toward this end, in so far as to gather his manuscripts together and to inscribe the proposed book to his mother. Since, during the invalidism of his last years, he was not able to undertake the labor of seeing the volume through the press, nor indeed to complete the necessary editing of the material, members of his family have undertaken to have his wishes, and those of his many friends, fulfilled. They have deemed it fitting, also, that a biography should be included in the book. The reader will thus become aware that for the issue of the orations, arrangement, and for the dedication, Judge Hunt himself was sponsor; for the title, and the biography, others are accountable. This explanation is given lest any one should be led to think that Judge Hunt, who was ever modest in regard to his talents, was in any way responsible for the praise of his achievements which is to be found in the essay on his life contained herein.

C. D. W.

JUDGE SAMUEL FURMAN HUNT

A BIOGRAPHICAL ESSAY

Judge Hunt made an abiding impression as an orator of extraordinary eloquence and power, as a man of unusual social elegance and accomplishments, as an enthusiastic leader in educational progress, as an able and courteous judge on the bench of the Superior Court of Cincinnati, as a devoted patriot, as a lover of the history of his state, as a loyal friend and gentle neighbor, and as a warm-hearted and just man.

His personality was so winning and at the same time so strong, his intellectual, social and oratorical talents were so brilliant, his work in various spheres was so able, vigorous and solid, as to make him a figure whose reputation will last. Men of all classes, farmers who heard him many times at their harvest homes and local fairs, presidents of colleges and their professors and alumni, brilliant society women and men of the clubs, business men and manual toilers, were alike charmed by his personality and his gifts, and continue to speak with fervor of his abilities and to cherish his fame.

General Grant said the speech which Judge Hunt delivered at a reception given to the famous soldier by the city of Cincinnati was the most brilliant and eloquent address he had ever heard.

Thousands of people declare that within their experience he was unmatched as an orator. On important historical occasions and celebrations of epochal events he became the living voice of the past and of the passion and sentiment of the people. On the platforms of colleges and universities he appeared as the embodiment of culture, learning and classic grace. Before the people, and especially the farmers whom he dearly loved to address, he uttered appeals that swayed them as the heart of one man. In the memories of such as heard him even once, and that years ago, he yet stands out distinctly amidst all succeeding impressions like a figure of light against a background of the dark.

He stirred the sympathies, won the heart, fascinated the intellect and charmed the senses. Men speak of him in terms that seem extravagant to those who did not know him. On account of his suavity and dignity, combined with his knowledge of the law, lawyers who attended his court compare him with the judicial celebrities of our own land and of Great Britain. On account of his personal graces and tact, men and women of the social world recall the names of famous gallants as of the same quality as himself. In educational circles he is placed among the foremost friends of the colleges. Among the masses he is remembered as an ideal stump speaker, in the better sense,—as one who could understand the hearts of the people and appeal to the best in their natures. Such was the

combination of his talents and so varied is the range of his reputation.

It is not always that the graceful and handsome beau or the boy orator of the college, becomes the earnest worker, the student of history, a lasting social force, or the maker of speeches that inform as well as charm. But Judge Hunt was one of the exceptions, since in youth and in manhood he was alike successful in these spheres. He did not depend upon the easily won honors of his youth for his future, but he became and continued a strong and eager toiler in his profession of the law and in the departments of history, literature and educational progress. He was not merely the boy prince of the village, a meteor to flash across the horizon of the campus, but a steadfast star. As Dr. Frank W. Gunsaulus, president of the Armour Institute, has declared, "Judge Hunt was one of the brightest men Ohio ever produced."

He descended from worthy ancestors. One of these is said to have been engaged with Tyndale in his translation of the Scriptures. Others of them came to America with Governor Winthrop, and are recorded as speakers of general assemblies, judges of the courts and as holding still other positions of honor and trust in the Colonies.

Samuel Furman Hunt was born in Springdale, Hamilton county, Ohio, October 22, 1844. His father, Dr. John Randolph Hunt, was born at Cherry Hill, near Princeton, New Jersey, December 10, 1795. Dr. Hunt was a student at Nassau Hall, now Princeton University, and was gradu-

ated from the College of Physicians and Surgeons in New York City in the class of 1825. He came soon afterward to Springdale, and for almost forty years practiced medicine in the upper Mill Creek Valley. The father of the physician was Oliver Hunt, of Cherry Hill, New Jersey, who at eighteen entered, in March, 1777, the American service as a minute man in the New Jersey troops. He took part in the battles of Long Island, Princeton, Monmouth and Springfield.

Dr John Hunt married, on November 4, 1829, Miss Amanda Baird, who was born February 20, 1811, in Freehold, Monmouth county, New Jersey, and belonged to an old colonial family. He lived until August 1, 1863. A handsome window, representing Christ as the Great Healer, was placed to his memory by his son Samuel in the Presbyterian Church of Springdale, one of the oldest churches in the Northwest Territory. Dr. Hunt and his wife were greatly beloved and revered by all who knew them, he being of high standing in his profession, with more than a local reputation, and she being possessed of unusual attractions.

The venerable Dr. J. G. Monfort, a friend of her youth, and editor for many years of the *Presbyter,* wrote of her after her decease, November 24, 1892: "Mrs. Hunt was a notable woman, distinguished for her brightness and beauty, her gracefulness and dignity. She was in every respect an excellent and elegant woman. One thing that has delighted her friends and has been proverbial everywhere is that her son, Judge Hunt, one of the most eminent

of the sons of Ohio, has devoted himself to his mother's fellowship and comfort for a quarter of a century, which we regard as the highest of the many honors awarded him. His course has been a continuous stream of love and blessing."

Five children of their household attained mature years: Major John R. Hunt, James Baird Hunt, Mrs. Isaac Weatherby, of Trenton, New Jersey, Mrs. James Franklin Heady of Glendale, and the subject of this biography.

Springdale, in the boyhood of Judge Hunt, was a village of more importance than the census of its inhabitants would have indicated. It was on the main line of turnpike travel between Cincinnati and the north. It was one of the oldest settlements in Hamilton county and for a considerable time it promised to have a future as one of the chief towns in this region. The failure to carry out a projected plan to have pass through it a main line of railway diverted an increase of population, arrested its growth, but left it a picturesque and interesting village, which has been the birthplace of a number of famous men and the scene of some notable historical events. Its inhabitants were distinguished for their culture. Judge Hunt had the advantage of being a member of one of the most cultivated families in the community and of a household which, according to the standards of that day, was exceptionally well-to-do.

Of his boyhood, some interesting glimpses have been given by Mr. Jere M. Cochran, a friend of his early days as well as of his later life: "We grew

up near one another. Our families were on intimate terms. Our mothers were close friends, a pleasant fact which Samuel never ceased to recognize. His father was our family physician for many years and until his death. The doctor was a scholar and a gentleman of the old school and his medical practice was of the old fashion.

"While we were in school at Master Stewart's, Samuel was in his sixteenth year. He was a year or two my senior and in all classes was in advance of me. But I could then observe enough to enable me now to say that he could make the readiest recitations on the least apparent labor of preparation, of any school boy I ever knew or heard of. It was a mark of his character through life to intellectually grasp things easily and rapidly and at the same time retain them. In after years he could write out a political speech, leave the manuscript at home for the newspaper printer, and go away somewhere and deliver the address practically word for word.

"One Friday afternoon at Stewart's school it came to be essay day; each boy was expected to be ready with a written composition. Upon investigation the master found Samuel to be derelict. Accordingly the youth was kept at his desk during the quarter hour play-spell. After frittering away considerable time in half-grumbling, half-jocose protestation, he reluctantly turned to his desk. During the few minutes the other boys were romping about the house, inside and out, I stood beside him, and watched him. His quill pen, squeaking

painfully, flew like lightning over two or three sheets of paper. When 'books' were called, the manuscript, wet and blotted, was submitted. It was a hunting sketch. The forest was described, the springing grass and flowers, the swaying tree tops, the whispering leaves, the singing of little birds, the screaming of hawks, the soaring of buzzards, the cawing of crows, the barking of squirrels. We boys thought it very droll, picturesque and fine, and all right, and wondered how such a thing could have been turned out on such short order. The master expressed contempt, which perhaps was not wholly sincere, evidently expecting something better from his brilliant pupil. The document passed.

"Samuel excelled in all things he did, which with him, as with most school boys of leisure, consisted largely of sports. He was superb with marbles, kite and ball, with skates and sled, rod and gun. At objects standing or in flight, or on wing or foot, he was a fine shot. He had no superior, if an equal, in all our region. When he had grown to full manhood, he seemed to have lost his hunting enthusiasm, largely because his work and inclinations were in other directions, and not a little, I surmise, because of, in the kindness of his heart, his love and pity for unoffending, persecuted wild things.

"When he once invited me on a winter hunt, I pleaded that I had no gun. He said he would see me through. He knew of a neighbor boy having a little shot gun, which he thought the boy would sell. I bought the gun with my entire fortune, a

three-dollar gold piece. I rode home the proudest and happiest of boys, for I had a gun. The great hunt came off. The weather was civil, though the sky was darkly overcast. In our eyes it was a pleasant scene. So was the frosty brown earth under foot. All day, close together, we roamed and lounged over our friendly neighbors' fields. Toward evening, as the flooding light of the setting sun burst forth in glory over the land, and we, unexpectant, were strolling homeward, up sprang our first and only rabbit. 'Shoot! Shoot!' cried Sam, eager to allow me a chance to try my gun. With both eyes shut I turned my artillery loose. A twig dropped from the top of a haw tree, off to the right. I did not say a word to my companion in arms. I thought he did not notice it. The rabbit ran a short distance, passed through a fence and stopped. 'Shall I take him,' Sam asked, 'before you can reload and he gets away?' I nodded. He fired and Bunny fell. By all the rules of the chase the trophy was justly his, but he pressed it upon me to carry home. 'Unless asked,' Sam said at parting, 'you need not tell how you mangled Mr. Prague's haw bush.'

"I believe I heard Samuel Furman Hunt's first speech. A Fourth of July celebration was being held near Springdale. Our Samuel was to read the Declaration of Independence and be followed by an orator of note. When the crowd had assembled he announced that he would prefer to deliver an original oration. Who would read the Declaration? Sam pointed to me, to my great horror. My

father pressed me into the service. I mounted the platform and in a strained voice screamed Thomas Jefferson's defiance to King George of England. Following me, the Young Eagle of the Miami Valley shouted liberty to all the land with thrilling effect. One evening afterwards he delivered an open-air address in Glendale, and we at our home, almost half a mile distant, could hear his pure, far-reaching voice clearly and distinguish sentences.

"They who study the history of Samuel Hunt's life will find it altogether consistent. While he remained in health, he lived as much as many men live in twice the time. When he was in the zenith of his fame, when for eloquence, for grace of person and action, and pleasantness withal, he was second to no orator in the state of Ohio, he was no prodigy to those who knew the whole story. While yet a young school boy he gave good promise of that which was to be. Of him his friends ever expected much, and all he had to give. That he should by his great, easy, fortunate triumphs, even with his own generosity of spirit, have invited so little bitter rivalry, so little envy,—that was the marvel. He found the people, regarding himself, as generous as was he. He was a prophet not without honor in his own country. His friends, the friends of his youth, were heartily proud of him always. They grieved for him long, through the slow decline before he died, and when the news of his death came, it was to hearts already sore with sorrow and become used to suffering."

His bright and promising boyhood in old Spring-

dale being past, the youthful Hunt entered Miami University, Oxford, Ohio, in 1860. From the beginning of his college career, he took an active part in the debates and the literary exercises of Miami Union Hall. In his sophomore year he was elected fifth sessional speaker, in his junior year class president,—with the duty of signing the diplomas of the graduating members,—and in his senior year class orator,—these being the recognized honors of the literary societies of the university at that time. Throughout his college career he was president of his class, and for four successive years he was chosen by the whole body of students as the orator on Washington's birthday.

Insight into his life during this period is given in a letter of his college mate, Mr. William H. Winters, Librarian of the New York Law Institute of New York City. "He was the bright morning star of my college days. Lord Byron could never meet an old Harrow schoolfellow without a rapid beating of the heart and a pleasure so violent that it left him almost speechless. So it seemed to me whenever I met Hunt. And well it might be so; for Hunt had made Oxford a sweet home, a place of rainbows and roses, a center of beauty, romance, high hopes and lofty ambitions. Hunt was a nineteenth century, handsome, boy Bolingbroke, a youthful Chesterfield, a prince of boy orators, an impressive declaimer and a most charming essayist. There was the stamp of genius and of perfection in his looks and in everything he said and did which arrested and fixed attention. Once seen, he

could never be forgotten. I can picture almost to the day just how Hunt looked, what he wore, where he roomed, where he dined, his comings and goings, his favorite friends, his place in the chapel, his doings in the literary society, and how at the beginnings of terms and after vacations, we waited at Howells 'The Boys' Town,'—Hamilton—for the incoming of the Glendale train and our rejoicing if he came back with it. I can remember almost everything of importance he ever said to me and the very words.

"An amusing incident happened in my day, and of which I recently spoke to Col. J. McCook, (a D. K. E.) and we laughed heartily over it. At a national convention of the Delta Kappa Epsilon Fraternity, the Miami representatives were Hunt and Woodhull, and the eastern 'Dekes' were astonished and asked if those two were fair representatives of the little western college, and had they more like them? More like them? The like or the equals in any respect of Hunt and Woodhull were never seen at Harvard or Yale! They were Miami's jewels and even at Miami they were unique.

"I have a vivid recollection of their room discussions, sometimes of politics and the war, of scenes in Congress, of other days and star performers like Battle, Taylor, Webb and Smith at Miami, then of the old English orators and of the eloquence of the bar, and comment and criticism on the recent performers in the halls; then of Scott, Browning, the last Hugo, Dickens or De-Quincey, a Bulwer or Disraeli novel, Hawthorne,

Willis or Longfellow, or a favorite D. K. E. author like Theodore Winthrop. I have listened with interest and boyish rapture until the midnight hour and as I returned to my room with face upturned I imagined I was in some strange and novel place in Scott's land, Dante's land, Goethe's land or Shakespeare's land, and in Amy Robsart days when

> 'The moon, sweet regent of the skies
> Silvered the walls of Cumnor Hall
> And many an oak that grew thereby.'

It was all romance land and the romance itself was Hunt and Woodhull. Many a night I have looked up to the lights burning brightly in their student room with something of the feeling and enthusiasm of the crusader when he first caught view of the distant lights that lured and signalled and beckoned to him from the towers and temples of Jerusalem.

"When I heard Hunt and Woodhull for the first time and on the same evening in Miami Union Hall, I went home in silence, face aflame, and threw myself on the bed and wept until I thought my heart would break, and all because of hopeless envy and despair.

"Hunt was a universal favorite. The Female Seminaries schemed and lobbied openly to secure him, the first prize, as escort to the chapel exhibitions, and he would enter the chapel at night, escorting a professoress,—with the girls following, and all student eyes on him,—with the grace and

gallantry of one in knightly charge of Marie Antoinette or Queen Elizabeth. When on an idle afternoon, we chanced to meet any of the many seminary girls on their health walks, one of the boys would be sure to say, 'Don't be foolish, boys, I pray you; don't be foolish or silly; don't take any stock in illusions and delusions,—the flushed cheeks, the sweet smiles of those sweet girls, the shy waving of handkerchiefs are all, all, all for Sam Hunt.' What made Hunt under such circumstances so lovable and popular with the boys? It was because there was not a particle of malice or envy in him. He loved merit anywhere and everywhere. He was always doing graceful things in his own inimitable way. Look over the register of Miami Union Literary Society and you will find that there never was in those days a performance of uncommon merit without a resolution of recognition and thanks being moved by a Mr. Hunt. That was a sweet, precious and uncommon tribute to his youthful influence and power,—the special Hunt Prayers, in a perilous sickness, offered in the chapel for his recovery. And when he recovered there was rejoicing by all."

After nearly four years at Miami University, he went to Union College, Schenectady, N. Y. His college course was completed at Union, of which Dr. Eliphalet Nott was then president, and he received the bachelor's degree, and later the master's degree, from that institution. He also received the bachelor's degree with the class of 1864 of Miami University.

His reputation as an orator began at college. At that time, as in subsequent years, his addresses were of remarkable eloquence and glowing with patriotic feeling. The young student was a sincere believer in the war for the Union, and many of his public addresses were made at meetings whose purpose was to stimulate enlistments in the volunteer soldiery of the period. An oration which he delivered during that time in Oxford was in memory of the Miami graduates who had fallen in battle, and it aroused the greatest enthusiasm. He was particularly active in the organization of the Eighty-third Ohio Regiment. In April, 1862, he visited the battlefield of Shiloh to minister to the wounded and dying, and his faithful services at that time received the commendations of the officers and soldiers, as well as the agents of the Sanitary Commission. In March, 1865, he was with the army of the James on the same errand. He entered Richmond with the advance of General Weitzel's command, he having charge of the supplies furnished for the sufferers in that city. He was one of the first to enter the city.

A national phase of the history of Judge Samuel F. Hunt, is based on the fact that he was the man who hauled down the Confederate flag from the capitol building at Richmond on the day of the evacuation of that city by the confederate forces. Hunt was an aid-de-camp to General Weitzel, of Cincinnati, whose regiment was the first to enter the fallen city. L. P. Ezekiel of Cincinnati tells the story of that occurrence in this way:

"The date was April 3, 1865. I saw the Union troops riding up Franklin street and riding at the side of the street somewhat in front of the advance guard, was a slightly built youth, whom I afterwards knew as Judge Samuel F. Hunt. The Union army advanced to Capitol Square, which was filled with smoke from the fire made by the destruction of the Confederate documents of state. Hunt was apparently the first to see the Confederate flag at full mast. He dismounted hurriedly, dashed up the steps and seizing the ropes, pulled down the Confederate colors. His action was supplemented by another Union man, who was on hand with the stars and stripes and a few minutes later the flag of the country was flying where the flag of the South had been displayed a few minutes before."

During this period when the youthful Hunt was amid the scenes of battle, assisting the sick and wounded, he also acted as a newspaper correspondent for one or more Cincinnati papers. His work at this time, as well as his series of letters later as a foreign correspondent showed him as a successful writer for the press.

In Richmond, after the surrender, he had some very interesting and striking experiences. He went with Abraham Lincoln through the streets of Richmond during that one memorable part of a day he was there. In giving an account of this to George Alfred Townsend, he said: "Mr. Lincoln landed at Rocketts, below Richmond, and, like a boy, desiring to see the president, I pushed up to his side and walked with him at intervals all the

way up the street. An immense swarm of negroes followed the marines. A very few soldiers acted as a sort of escort. To tell the truth, I expected Mr. Lincoln to be shot every moment of that walk. My recollection of Lincoln is that he wore a high silk hat, well back on his head. His general garments were of the old, long black frock coat, with trousers and vest to match, which our forefathers had made out of broadcloth, invariably imported from England or France. To me he looked happy. No trepidation was in his manner; no vigilance in his conduct. He had consummated a mighty work, and was the victor in biography over everybody of his time. I told him that it was a remarkable moment in his life to have come into that city so freshly after the great war, when the echo of one government was hardly drowned by the arrival of another. He looked like an old man, having been well worn, and yet amidst his puckers and wrinkles was the light of the General, like Wellington after he had put Napoleon down. Mr. Lincoln went up that street attended by the visible race which he had set free. They looked upon him as the Lord Almighty. Mr. Lincoln turned off toward the statehouse square, and I said to him, as we came in sight of it: 'Mr. President, look there, your flag is on their capitol.' Lincoln turned his face up and saw the flag floating, in that spring weather, from the staff of the state capitol, which Jefferson Davis supervised the building of and which Jefferson Davis had just fled from. I thought Lincoln's face expressed something like

religious devotion when he saw his colors crowning that old maison carre."

After the completion of his college course, he began the study of the law under the late Justice Stanley Mathews and in the Cincinnati Law School, where he was graduated with the degree of LL. B. in 1867.

In the same year he made a tour of Europe, the Holy Land, Arabia and Egypt, from which points he wrote letters for the Cincinnati *Enquirer* and the *Herald and Presbyter*. These were vividly descriptive, were received with general favor and were widely copied.

In May, 1868, upon his return from abroad, he entered upon the practice of the law in the office of Henry Stanbery, who had just resigned the position of Attorney-General of the United States to take part in the defense of President Johnson in the impeachment proceedings before the United States Senate. In October, 1869, Mr. Hunt was elected by Hamilton county voters to the State Senate, and was at once made President *pro tempore* of that body and acting lieutenant-governor; he was the youngest incumbent of that position in the history of the State. He served on the committees on the judiciary, on municipal corporations, on common schools, and on several other committees of minor importance. Among the measures introduced by him were a large number affecting the interests of Cincinnati, notably that establishing the University of Cincinnati, and

those establishing the Park Commission and the Platting Commission.

In 1870, he acted as chairman of the Democratic Convention for the Second Congressional District, at which time he was tendered the nomination for Congress, which he declined. In 1871, he accepted the nomination for lieutenant-governor at the hands of the Democratic party, and by reason of the illness of the candidate for governor, General George W. McCook, he was obligated to bear the principal burden of the canvass of the state for the party.

In 1873, he acted as chairman of the convention that nominated William Allen for governor, and subsequently as chairman of the convention nominating Thomas Ewing for governor. He was a member of the Constitutional Convention elected in 1873, which framed a new Constitution for Ohio, and was most largely instrumental in having the veto power incorporated in the Constitution adopted by that body to be proposed to the people.

In 1878, he was appointed by Governor Bishop to be Judge-Advocate-General of Ohio, with the rank of Brigadier-General. During his service in this position, he prepared a review of the courts-martial which has been regarded as the highest authority on this subject, and in his published report he gave a complete history of the state militia. In the same year, he was nominated for the judgeship of the Court of Common Pleas of Hamilton county, and in 1880 he was unanimously nominated for Congress by the Democracy of the First Con-

gressional District. At both elections he ran far ahead of his ticket, but was unsuccessful. It is to be remembered that Hamilton county has usually been a stronghold of the Republican party.

In 1882, he removed his home from Springdale, on account of railway facilities, to Glendale which is the most beautiful of suburban villages. He purchased a fine home, which stands midway up the wide slope of the gentle incline on which Glendale is built. His residence is situated between the two parks, and is set in a large lawn which is planted with many trees. He christened it "Baird Oak," after his mother's maiden name and in honor of the single oak tree that flourished on his grounds amid numerous specimens of other species. His house was beautified by art and the things that come of culture. His library was enriched by many rare and valuable collections. This home, in a village of open lawns and parks that contain still many of the original "monarchs of the forest" as well as multitudes of other trees of many kinds, became a well-known center of hospitable entertainment and as a host Judge Hunt was at his best.

His family ties were strong. For each brother and sister he manifested the most tender affection and interest. He took much satisfaction in the war record of his brother, Major John Randolph Hunt, who attended the Miami University with him, and of whom it was written at the time of his death:

"Major John Randolph Hunt died yesterday

morning at Glendale while on a visit at the residence of his brother, Samuel F. Hunt, in the forty-sixth year of his age. Major Hunt's early education was acquired in a private school, and subsequently he prepared for college at the Monroe Academy. In the autumn of 1860, at the age of seventeen, he entered Miami University, and soon took an advanced position in the class room and excelled especially in debate and in the literary societies. When the call came to arms he was among the very first to enlist in the University Rifles, then organized under the late Col. Ozro J. Dodds, and served the term of his enlistment in the three months' service in the Twentieth Ohio Regiment as a private until he was promoted to Sergeant Major. He was afterward commissioned as Adjutant of the Eighty-first Ohio Volunteer Infantry and participated in all the engagements with his regiment, including the campaign before Atlanta under General Sherman, for which he received the rank of Brevet Major for gallantry on the field, and was later tendered a position upon the staff of one of the Generals in command of the Army of the Tennessee.

"On his return home he engaged in business at Springdale until appointed treasurer of the Saxony Woolen Mills of Trenton, N. J., in which he was largely interested. He was more than once invited by his party in New Jersey to represent it in the Legislature, but he refused all positions save that of juror, a place that he insisted should never

be declined by the good citizen except for the most imperative reasons.

"His death was probably attributable to exposure and disability incurred in the field at an early age, and yet he would not press an application for a pension because of his conscientious conviction that he simply did his duty in the war for the Union. Major Hunt was of courtly bearing and address. He was a gentleman by instinct, and discarded mean and petty things. His entire life was characterized by the highest sense of honor, and he leaves to his family and his friends the inestimable heritage of a good name. Those who knew him will regret beyond measure that 'his sun went down while it was yet day.'"

In the year 1887 Samuel F. Hunt declined the nomination for circuit judge in the First Judicial Circuit. In that same period he was chairman of the Democratic State Convention which assembled in Dayton, and nominated Thomas E. Powell for governor. In 1889, he made the speech of nomination presenting the name of James E. Campbell to the Democratic State Convention at Dayton as a candidate for governor, and he was active and influential in securing his election.

In January, 1890, he was appointed by Governor Campbell as judge of the Superior Court of Cincinnati, to fill the position left vacant by Judge William H. Taft, until the succeeding April election. In view of that election he was given the nomination of his party. The *Enquirer* gave an account of his nomination before the Democratic

City Convention under the headlines, "Exciting and Enthusiastic from First to Last. Judge Hunt's Name Captures the Delegates." The report read: "Judge Samuel F. Hunt was tendered a most marked compliment. His name when mentioned brought a round of cheers, and the nomination for Superior Court Judge went to him with hearty acclaim. When the Chairman announced as the first thing in order nominations for Superior Court Judges, Frank M. Gorman, Esq., stepped to the front of the platform and said, 'I present as the candidate a gentleman who was chosen by Governor Campbell to fill the vacancy created by the resignation of Judge William H. Taft. He is a man who though young in years is old in honors and is regarded as one of the brightest minds that ever sat upon the bench in Hamilton county. The man whom I shall name was nurtured a Democrat from his boyhood. He was reared in Hamilton county and is endeared not only to the democracy of the county but to its whole people. He is a friend who will lend a helping hand. He has not the haughty sneer of the lawyer who perforce has gained a reputation, but the poor man will find in this man a judge who is a Lord Mansfield or a John Marshall. When Governor Campbell was called upon to make the appointment to fill this vacancy he considered well the man whom he should select and he selected that man whose qualities I have described to you, the Hon. Samuel F. Hunt. [Great applause.] Gentlemen, he has endeared himself to the people of his county by his

courtly manner, by his kindly actions, and by his benevolence and kindness of heart. He has filled many public positions and never yet has he betrayed the trust that was reposed in him. By his nomination you will approve the action of Governor Campbell. Nominate this princely man: nominate this modern Chesterfield, and the people of this city will ratify your decision.' When Mr. Gorman ceased speaking, a delegate moved that the rules be suspended and that Judge Hunt be nominated by acclamation. A heartier chorus of 'ayes' never went up in any convention. The hall rang with them and the cheering that followed. There were repeated cries for the Judge, but he was not present, and the convention was compelled to forego one of those charming talks for which the distinguished gentleman is noted."

In April he was elected to the position of Judge of the Superior Court of Cincinnati by a large majority, for the period of three years, the unexpired term of Judge Taft. In April, 1893, he was again elected for the full term of five years to succeed himself.

A Cincinnati paper said at that time: "Why should not General Sam Hunt be a winning candidate for governor this fall? He is a man of sterling character, the peer of any man in legal attainments. He is a favorite in Hamilton county, and outside of Cincinnati. Everybody has confidence in him because of his able, upright and clean record."

Another editorial said: "The election last Mon-

day of the Hon. Samuel F. Hunt of Cincinnati as judge of the Superior Court of that city, in the face of a large Republican majority, has put Judge Hunt to the front as a prominent candidate for the Democratic nomination for Governor. Judge Hunt is one of the brightest lights of the Ohio Democracy and one whom the people, irrespective of party, delight to honor. If nominated he would be elected."

The *Commercial Gazette* said: "Judge Hunt was re-elected largely because it was believed that under the circumstances no one should have been nominated against him. It is a good way when first-class men are on the bench to keep the judiciary, as far as possible, from partisan politics."

Judge Hunt's prominence at the Bar of Ohio and of the United States was shown by the fact that he was considered by those high in authority as a promising candidate to fill a vacancy, created by death, upon the Bench of the Supreme Court of this country. In 1892 he was elected President of the Ohio State Bar Association, and in 1893 Vice-President of the American Bar Association, and was also appointed a member of the committee on legal reform, in place of John F. Dillon who had been elected president of the Association.

In 1872 Judge Hunt became a trustee of the Miami University, appointed by Governor Noyes and unanimously confirmed by the Senate. At the end of nine years he was re-appointed by Governor Foster for the full term ending January 1, 1890, at which time he was appointed by Governor Camp-

bell for an additional term of nine years. He continued a member of this board until his death.

In 1874 he was appointed a director of the University of Cincinnati by the common council, and continued a member of that body by re-appointments by the Superior Court until his accession to the Bench, at which time he retired from the board. From 1878 to 1890 he acted as chairman of the University board, and also as president of the Society of Alumni of Miami University during the years 1887 and 1888, being the orator of the Society in 1889.

Judge Hunt was a member of the Military Order of the Loyal Legion, of the Society of the Sons of the Revolution, Governor of the Society of the Colonial Wars in the State of Ohio, member of the Ohio Archaeological and Historical Society, of the Delta Kappa Epsilon Fraternity, and an honorary member of the Society of the Sailors and Soldiers of the Mexican War.

He was eminently successful and popular as a lawyer. His unusual facility of expression, which enabled him to present the dryest and most matter-of-fact proposition in beautiful and captivating form, together with his excellent judgment and his knowledge of the law, made him very effective in the practice of his profession. During the years preceding his elevation to the Bench, his practice was very large, embracing every class of litigation and requiring the most arduous and unceasing labor. He was particularly popular as a consulting lawyer among the farming population and his

neighbors in the vicinity of the city, a fact which showed in a marked degree the high reputation he had for integrity and uprightness.

Upon the Bench he was distinguished not only for careful and conscientious performance of his duties, but also for the dignity of his court and the uniform courtesy shown by him to all members of the Bar, as well as to all others who came in contact with him in his court room. Mr. James R. Patterson, of Oxford, mentions, in a paper which he wrote for *The Miami Student*, that Judge Hunt made even jury duty in his court room pleasant by his consideration and courtesy; many men might think this a triumph of a charming personality. In the trial of a case he was usually very quick in rendering his decisions, particularly upon points of practice, and his thorough familiarity with the details of the law in this regard has made these decisions carry great weight.

On the more important matters arising before him as a judge he delivered a number of carefully prepared opinions, showing deep thought, earnest consideration and painstaking study of the law. Several of these decisions are noteworthy as being on questions of unusual interest to the community at large. All are remarkable for their literary excellence as well as for their merits by reason of the questions of the law which are decided. Among the more important decisions in which Judge Hunt rendered opinions are the following: The Cincinnati Inclined Plane Railway Company *vs.* The City and Suburban Telegraph Association involv-

ing the Trolley System: Scott's Sons *vs.* Raine, Auditor (O. L. T., March 16, 1891), involving the powers of the City Board of Equalization. His associates on the bench of the Superior Court during his time of service were Judges Edward F. Noyes, F. W. Moore, J. R. Sayler, Rufus B. Smith and William H. Jackson.

A Cincinnati newspaper commented, while he was on the Bench: "The work of the Superior Court has never been in as advanced a state as at the present time. With the exception of two or three which have been given special sittings, there is not a motion or a demurrer pending before Judge Hunt, nor a litigated case which has been heard and remains undisposed of. Such a condition of things has never before been known in the submitted room. In the jury rooms the dockets for the day are for trial, and cases but recently brought are being disposed of. The number of cases filed in this court increases from year to year, while the number carried to the general term decreases. It must follow as a natural deduction that the work of the Superior Court is not only well up, but is being well done. Let this be recognized."

During an unusually active life in the pursuit of his profession, Judge Hunt gave great attention to general literature, and particularly to the history of his own state. He was in great demand throughout Ohio and elsewhere as an orator on literary subjects, particularly at various institutions of learning. Among his literary addresses of special note were those delivered at Kenyon

College, Marietta College, Georgetown College, the University of Cincinnati, the Northwestern Normal College, the University of Michigan, the Central University of Kentucky, the Ohio State University, the University of Virginia, Williams College, and Adelbert College before the annual convention of the Delta Kappa Epsilon Fraternity.

The most important of his historical addresses were as follows: Miami Valley, on the site of Fort Hamilton; the Treaty of Greenville, on the site of Fort Greenville; the Campaign of Anthony Wayne, on the site of Fort Defiance; the Campaign of Scott and Taylor, before the National Association of the Veteran Sailors and Soldiers of the Mexican War; the Dedication of the Soldiers' Monuments at Findlay, at West Union and at Athens, Ohio; the Centennial of the Republic, at Sandusky; the Reception to General Grant, at Cincinnati; the Unveiling of the Monument to Garfield, at Music Hall, Cincinnati; the Semi-Centennial of the Young Men's Mercantile Library of Cincinnati; the Life of Charles McMicken, the Founder of the University of Cincinnati, before the municipal authorities, at Pike's Opera House; the Laying of the Foundation Stone of the Glendale Lyceum; the Centennial of the Adoption of the Ordinance of 1787, at Springdale; the Centennial of the Settlement of Ohio, at Marietta; the Reinterment of the Dead who fell under St. Clair, at the Centennial of Fort Recovery; the American Flag, before the Ohio Commandery of the Military Order of the Loyal Legion, at Cincinnati; Ohio Day at the Co-

lumbian Exposition, at Chicago; and Abraham Lincoln, on February 15, 1894, before the people of Dayton, Ohio.

He also delivered the centennial oration on "The Battle of the Fallen Timbers," on the battle ground, August 20, 1894; the oration on the laying of the cornerstone of the new edifice of the University of Cincinnati, September 23, 1894; the oration on the Semi-Centennial of the Delta Kappa Epsilon Fraternity of the United States, at New York, December 15, 1894; and he presided over the seventeenth annual meeting of the American Bar Association, at Saratoga Springs, August 23-25, 1894.

At the end of his term as judge of the Superior Court of Cincinnati, he determined to retire from public life and refused to stand for re-election. His health had begun to fail, and he hoped that by rest and travel he might regain his accustomed vigor. On his retirement from the bench in 1898, the *Weekly Law Bulletin*, of Columbus and Cincinnati, said, in part: "His re-election to a third term would have been a foregone conclusion, if he had so desired, but he preferred to retire. Judge Hunt was recognized as one of the ablest judges of the state, and his retirement is a loss to the judiciary of Ohio. His opinions, which are published in the *Bulletin* and later in the Nisi Prius Reports, will always be cited with respect. His recent refusal to accept another term was a great disappointment to his many friends. The popularity and esteem of Judge Hunt is not confined to his

own city. There are few lawyers in Ohio that are so well known and highly esteemed by the Bar of the whole state. The reputation of his eloquence coupled with his tact and fine sense of the propriety of things, years ago created a demand for his services on all possible occasions, and he was found always ready to be of service whenever his other duties permitted."

For many years he had given time, strength and influence on behalf of the University of Cincinnati and the Miami University. His friendship was greatly appreciated by these institutions.

On June 12, 1900, at the commencement exercises of the University of Cincinnati a portrait of Judge Hunt was presented. Dr. Charles A. L. Reed made the address in which he said, in part: "Our Pantheon can grant a niche to none more justly than to Judge Hunt. He it was who as presiding officer of the Senate of the State of Ohio secured the enactment in 1870 of the law by which the University became possible. Two years later he accepted a membership on the Board of Directors. In 1879 he was called to preside over that body and continued to discharge the duties of that office with unfailing tact and unflinching industry during the succeeding eleven years. As judge of the Superior Court, in the exercise of his appointing power, he continued during the next nine years to exert a powerful influence upon the affairs of the University. His vigilance in this regard was constant. During the eleven years of his chairmanship of the board he never failed to preside at a meeting,

on occasions traveling hundreds of miles to meet what he always recognized as a prior and imperative engagement. It is to be recorded that it was in consequence of his initiative and skillful diplomacy that the present superb site in Burnet Woods was secured to the University." The painting unveiled at this time represents Judge Hunt in the act of delivering his historic oration on the occasion of the laying of the cornerstone of the University in 1894.

In recognition of his long and valuable services to Miami University, the trustees of that institution made a personal request for a portrait of Judge Hunt for its library. At three o'clock on Wednesday, June 12, 1901, a life-sized oil painting of Judge Hunt was unveiled in the Bishop Chapel, in the presence of a large gathering of the alumni and other friends of the University. Dr. Tappan, at that time President of the University, presided and spoke appropriately. The Hon. Oliver W. Root, of the class of 1858, made the presentation address. President John W. Herron, LL. D. of the Board of Trustees, received the gift on behalf of the University. The painting is by C. T. Weber, of Cincinnati, and is highly spoken of by all who have seen it. The pose is that of an orator addressing an assemblage.

Of his labors on behalf of the college at Oxford, Mr. Winters has written: "He was Miami's best friend, who summoned it from death to life and started it anew on a proud career of power and usefulness. He gave succor and strength and life

and wealth to his Alma Mater, and his Alma Mater should hold aloft and preserve imperishable the beloved record of his peerless love and fame."

Judge Hunt was throughout his life a devoted friend of his Greek Letter Society, the Delta Kappa Epsilon Fraternity. He was prominent for many years in the councils of this organization. The *Delta Kappa Epsilon Quarterly*, in reviewing his career after his death, declared: "His presence was essential to the success of every gathering, and his scholarly eloquence graced many a banquet table and public exercise."

Judge Hunt was unostentatiously generous in financial help to many institutions, organizations and individuals. He did much in a charitable way for many friends and acquaintances and for the poor. While engaged in the practice of the law, he gave his brilliant services freely to a great number of needy people who were unable to compensate him. No one applied to him for help without receiving assistance in some form. He had ever an open hand for worthy causes and people. He inherited means and he was successful in financial matters, and was always ready to use a due portion of what he had in a generous manner.

His love of home was very marked, as was also his devotion to the neighborhood in which he and his people dwelt. Mr. Jere M. Cochran has written: "Above all else, above high honors and rich offices, above ambition's allurements, our Samuel Hunt loved his home and its surroundings. He honored and was proud of his father, him of Nas-

sau Hall, the dry body, dry, seasoned mind, dry wit, the good, kind-hearted friend and doctor of our neighborhood. He adored his mother, his guide, companion, the sainted being of his affection. This he showed in a thousand ways. He showed it one evening, after a dinner at his Glendale home, when he unveiled to her unexpecting, failing tearful eyes a large portrait of her which he had caused to be prepared. He loved his neighbors, everybody, little children, gay young women and maids, earnest, middle-aged, and especially was he fond of visiting and conversing with old people. He had a singularly clever knack of adapting himself to any situation or circumstance.

"While he loved his own country, and sympathized in the hopes and fears, the sufferings and aspirations of good people beyond the seas, his motto was: 'His first, best country is at home.' He never forgot to recognize the friends of his youth, however humble. Not so many years ago, while he was on the judicial bench in Cincinnati, he took occasion to summon a number of us plain, old-time country cronies to form what he lightly, rather fondly, styled 'my blue ribbon jury.' He never forgot old Springdale, and only to avoid great inconvenience did he reluctantly leave the village of his birth, his boyhood and his manhood, for a home in Glendale. In these two villages he spent his whole life. He never lost his ardent attachment for the Miami Valley. After he had travelled about the world and had seen many famous lands, he enthusiastically declared his home val-

ley, with its quiet, fruitful farms, its villages, its pretty groves, its winding streams, its bordering hills, its school bells and church bells, to be to him the most homelike, the most beautiful, the dearest on earth."

Soon after his retirement from office, his health began to decline more and more. For the last eight years of his life he was unable to resume work. But his long invalidism had its brighter side. In his home he had the loving ministry of his sister, Mrs. Heady, and of a favorite niece, Miss Edith Weatherby. His independent means enabled him to surround himself with whatever he desired. His large library provided him intellectual entertainment. He was accustomed to take long drives daily to his farms, or through the streets of his beloved old Springdale and through the winding, shaded avenues of Glendale. He never ceased, while at all able to venture out of doors, to greatly enjoy fair scenery and the varying aspects of nature. So much of the company of his friends as he was strong enough to have he appreciated to the full. Throughout all his trial he was wondrously thoughtful of others and was constantly doing little acts of gracious courtesy by sending flowers, or a note, or a pleasant verbal message to his friends and neighbors. The last drive he took was to the farm at Thanksgiving season for turkeys to be presented to his friends, to be accompanied by brief but charming little notes. He did not complain of his infirmities, but told his pastor, the Rev. Dr. Lehman of Springdale, that "God had given him

time to think." His friends were comforted by the knowledge that the success of the suffering man who bore in patience and hope the chastisements of the Father was greater and finer than that of the strong man in his vigor who won honors and applause.

When the end had come, January 12, 1907, and the hour arrived for the last rites, a great company of men and women came who represented every class and condition. They gathered from the city, the surrounding towns and country to do honor to his memory. Men of learning and of high repute sat with the men of toil, alike in the common sentiment of respect and affection for their friend who had gone from them. The Hamilton County Courts adjourned and attended the funeral in a body. The services were conducted by the pastor of the Springdale Presbyterian Church, the Reverend Adolph Lehman, D. D., assisted by the minister of the Glendale Church. His remains were interred in the family lot at the Springdale cemetery, the site of one of the first churches of the Northwest Territory.

Perhaps some who knew Judge Hunt only in social circles or who noted chiefly the graces of his oratory failed to recognize the more solid attainments of his mind and character. These were of the kind similar to the professor of whom he used to tell. Judge Hunt was making a commencement oration at a well known university. While he was speaking he noticed that a gentleman on the platform kept his eyes constantly fixed on him. When

the speech had come to an end, this gentleman, who proved to be the Greek professor, came forward with extended hand, with the unexpected remark, "I never saw a coat that fitted so admirably as that one you have on. I could not keep my eyes off it. It is perfection." Judge Hunt enjoyed this immensely and used often to repeat this experience. Possibly others of his hearers and acquaintances saw no more deeply. As it is the penalty of a humorist not to be taken seriously even when he is in earnest, so it is to some extent the fate of the man of social elegance or of oratorical grace to be presumed to have no profounder qualities. Many people listen with their eyes. It is true that the very ungainliness of Lincoln brought out the more vividly the beauty of his soul. Perhaps at times Judge Hunt was misconceived to some degree by reason of his external graces. If so, the solidity of the orations in this volume, read now apart from the vision of his presence and the sound of his voice, will reveal to all the real attainments of this able man.

The golden harp of his exquisite eloquence, which had entralled multitudes, had been silent for awhile, but doubtless in another sphere it is given him again to touch its chords to the praise of the Creator. The deaf Beethoven, whose soul was full of the divine harmonies, said with his last breath, "I shall hear." So this born orator, an incarnation of eloquence, must have felt with rapture of expectancy, as he heard the summons to another world, "I shall speak again."

His fame as a magician of the spoken word will linger long as a sweet melody throughout this region and state and wherever he was known. In Cincinnati, in Columbus, in Dayton, in Oxford, in Hamilton, through all Ohio, in Kentucky, in Indiana, in Virginia, far and wide, the wizardry of his silver voice, his chiselled sentence, his apt and chosen words, his rhythmic phrase, his elevated and inspiring thought had borne aloft the souls of men. His style and manner were characterized by perfection. There were molten in his stream of fervid oratory all the varied elements that go to make the master of the multitude in speech. By careful research and thought he made his own the substance of his theme. With fine analysis he brought his facts and thoughts into orderly and forceful array. As if without labor, from a teeming mind stored with the wealth of our mother tongue, he brought forth a brilliant host of words and clothed his thought with light and color. His words flowed like a full and quiet river when no winds blow and the sky is reflected in a placid current swift and strong. At times his words smote like hammer or a sword. Again, they lilted like a lover's song.

Through all his elaborate addresses he wove the vigor of a brilliant, scintillating mind, and then warmed them with the steady glow of passion from the central fires of a noble heart and purpose. With an erect, shapely and vigorous person, with a handsome and speaking countenance expressive of many emotions, with exceptional grace and force of gesture and action, with a fine voice of carrying power

and modulation, with a soul aglow with sympathy for his hearers, his cause and mankind, with a trained, highly cultivated intellect in touch from childhood with the best in literature and oratory, he stood before hundreds of audiences a prince of speakers, unrivalled in this region and the peer of any in the land. He loved eloquence and worshipped at its shrine; he held it to be an art of arts, a gift of gifts; and his artist's soul was untainted by recent disparagements of its splendors or its rank.

Not only did the fairy of eloquence bend above his cradle and touch his lips, but other graces, as we have shown, tended this rare soul from his early years. His, too, was the genius of courtesy, of unfailing thoughtfulness, of fine perception of the thing to do and say, of the sympathetic touch that makes a chance meeting an event, a transient conversation an abiding memory, a smile, a bow, or a brief note a distinction and an honor. His repute in this regard has become a pervasive influence, and the kindly glow of his considerateness of others has suffused itself through many lives. It survives as a perfume in the hearts of all who knew him. The heavy weight of pain never for a moment caused him to forget; this, like his oratory, was inborn, the natural efflorescence of his fine spirit.

That he from his youth attracted attention by his ability and the charm of his personality, that he stepped easily and quickly into places of honor and trust, that he added to the long roll of Ohio's

noted sons a shining name, that he was a member of the Ohio Constitutional Convention, State Senator, patron of the University of Cincinnati, Trustee and Chairman of the Board of that institution, friend and helper of the Miami University, Superior Judge, Judge Advocate General of Ohio, with the title of Brigadier General, we have now told. His addresses upon historical subjects connected with early days in this region are masterpieces and classics in their kind, and by them he takes rank among the local historians. He leaves behind a long series of orations that illuminate their themes and have weight and brilliancy to survive and give him permanent place by the printed word. Had the body sustained to the end the demands of the radiant mind and the impassioned speech, he would have gone still higher in offices of honor. But these were not needed to adorn the personality or the talents of this orator and gentleman. He had the divine gifts which no office can confer or take away.

But his was not only the distinction of the orator or the accomplished man of courtesy. He was notably beautiful and lovely as a son, giving to a mother, whom he resembled and from whom he probably received his temperament, an adoring love and devotion full of tenderness beyond that of most men. He lavished upon her the wealth of his heart, and among his last words were these: "I am going over the sunny hills to meet my mother." His was the same rich and gentle nature in his relations as a brother, and he poured out

from the warmth and light of his heart kindness, devotion, love upon all the members of his family circle.

This gifted man's nature was crowned by abiding reverence for religion and for God. He caught the light from other spheres. While the old Springdale Church in particular was to him the Ark of the Covenant and Dr. James was the best beloved of the Ministers of the Word, he loved the Universal Church, the Great Book wherever expounded, and the feeling of religion was in the deeps of his soul. Springdale and the Springdale Church were to him the warm hearthstone on which the family fire glowed, and he desired that his dust should lie not in a more stately city of the dead, but in the quiet of the peaceful old graveyard there, a spot hallowed by many memories and as the resting place of his kindred, and by historic associations which were so deeply venerated by him.

The words of the Scriptures were as music to his ears and strength and solace to his heart. In the years of suffering when God's hand was shaping the man into the saint, the Bible proved again its old power to irradiate the valleys of shadow. While he continued to read of current events and to maintain a vital interest in the world's affairs, he read most during his invalidism in the Word of God and religious books, and to him the Great Unseen became more and more an open vision.

Though the strong, musical voice had come to be almost a whisper, yet keen sight, alert hearing and

acute perception remained, with the unfailing courtesy and the apt choice of words; and a clear brain watched above the weakened body. Fine was the triumph of his spirit, and unfaltering was his faith, as the once great orator sat among his books, awaiting God's time, his hand to be lifted no more in graceful gesture, his face never again to glow with inspiring thoughts, and his voice not again on earth to melt and move the hearts of multitudes. Like Milton in his blindness, he waited in hope. Without complaint, without doubt or question, he accepted his fleshly imprisonment and pain as from God, and looked with hope to the moment when a divine hand would lift him up and help him "over the sunny hills" to the Greater Life, in the company of the immortal hosts. He prayed that his robes might be washed white from earthly stains, and that he might have place among the redeemed. Who can doubt but that God, who gave His child rare gifts of heart and mind and speech here, has a portion for him there, not "unclothed but clothed upon," with "mortality swallowed up of life."

CALVIN DILL WILSON.

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THE FALLEN BRAVE

Solon, the greatest of Grecian philosophers, once truly remarked that: "That man was to be worthy of the most admiration, who falls fighting gloriously for his country." The illustrious dead of every age are those to whom the historian has paid his homage, and poets have embalmed in thoughts that breathe and words that burn. The artistic glories of magnificent architecture, stately marble, and lofty arches in former days, reminded passing generations of the glory there was in sacrificing one's life for his country, and for the preservation of liberty.

We proclaim our veneration for those who immolated themselves on the altar of their country for the foundation of this great Republic. The names of Warren and other patriots have been held in lasting remembrance, and their memory embalmed in the affections of their countrymen, and if the glory due them is great, should we not hold those in eternal remembrance who sacrifice themselves for the preservation of our liberties, which have been to us as bulwarks of peace and fountains of happiness? We regard that as sacred ground, and as a Mecca holier than that of the Saracens, where rest the last remains of the Father of his Country, and will continue thus to do, so long as virtue and valor shall be esteemed among men.

In offering homage, then, to our "Fallen Brave," we do justice not only to their memory and our own

Delivered at the Sessional Exhibition of the Miami Union Literary Society, Miami University, March 27, 1862.

feelings, but follow a custom which prevailed throughout the best times of ancient manners, for the Republics of Greece and Rome were thus accustomed to commemorate the virtues of their patriots and sages, and although those master states of antiquity have been doomed to desolation yet the lives of their great worthies shine with undimmed luster; for the lives of great men of noble and heroic actions will survive when the pyramids of Egypt shall have passed away, and will stand forever as lofty beacons amid the wastes of time.

While the heart of every true patriot is thrilled with joy at the recent success of our arms, and we see as it were the bright sun of the Union's vestured glory, let the tears of sorrow be shed over the graves of our gallant dead, for many brave sons have fallen, cut off in the blossom of their days while yet the vigor of manhood flushed their cheeks. Let us pay a tribute to our honored dead in all that generosity and homage which human hearts can give to courage, beautiful and manly. Let the names of those who sacrifice themselves on the altar of their country be cherished as were those of the flower of Greece, who went out to battle under Miltiades and fell on the plains of Marathon. Their conduct justly entitles them to all the gratitude and admiration of their country. Their blood has saved the only true government and will keep burning brighter for all time the light and example of freedom. Deeply deploring the necessity that has washed the soil of our country with the blood of so many of her noblest sons, yet the sacrifices made will be consecrated in the hearts of our people and will then enshrine the names of the patriotic dead as the champions of free and constitutional liberty.

We lament the loss of the brave and talented Winthrop who in early manhood consecrated himself to the Republic, and who fell on the field of honor if not of success. Let our gratitude for him, like the fire which the Persians worship, fed from the pure hands of the Vestal Virgins, burn sacred on the altar of memory. The country deeply laments when it sees what he was and what he might have been. It is not as Apollo enchanting the shepherds with his lyre that we deplore him, but as Hercules slain in the midst of his unfinished labors. We revere the memory of him, who, like Warren, the first great martyr in a glorious cause, fell on the plains of Missouri with a numerous band, who thus sealed their faith and constancy to our liberties with their blood. He died as becomes a brave man urging his followers on to victory. Henceforth his memory is sacred. Whatever his faults we remember them no more. We only bear in mind the manner of his death, and feel that it has cast a halo back upon the past. He has enshrined his name among a host of patriots who have realized on the field of honor how sweet it is to die for one's country. In a quiet churchyard in the beautiful state of Connecticut rest the last remains of the late lamented Lyons. Death has hallowed his name and burnished his services bright in the memory of his countrymen. It is in their hearts and that depth of love of country which distinguished every act of his life, his best epitaph may be written. Patriotism, Genius, Honor and Courage, may all come and strew garlands on his tomb.

The name of the gifted Baker, senator and soldier, orator and poet, will ever be green in the memory of his countrymen; he who baptized with his blood the land he loved so well on that day of unavailing glory at

Ball's Bluff and whose heroism was as unquestioned as his transcendent abilities. He fell with the light of battle on his countenance, his death being as eloquent as his life. History recites his deeds on the battle fields of Mexico and the records of the thirty-sixth Congress attest his genius and eloquence. He leaves in the hearts of his friends the proudest and tenderest recollections. The halo of a patriot's martyrdom lingers over the seat in the senate and the sunset glow of Baker's life brightened the hills and valleys of Oregon.

On the firmament of History, the names of Winthrop, Lyons and Baker will form a galaxy resplendent with their luster. These were patriots, who, like Captain Nathan Hale when on the scaffold and about to be executed by the British as a spy, exclaimed: "I only regret that I have but one life to offer for my country." The trumpets' clangor and the cannons' roar will no more awaken them. They sleep their last sleep. Their gallant spirits have been wafted to realms of peace; freed from the battle of life. Let their memory be ever cherished, and though they are not permitted to stand by us in this great struggle for truth and justice, yet their spirits animate their countrymen to deeds of noble daring. Theirs are higher laurels than ever graced the brow of an Olympic victor, who have fallen, but from their positions may not have appeared so conspicuous. Some have perished in the contest; others by the long and laborious march; others by the fever of the camp. They have bequeathed to us the immortal record of their patriotism and ascended to a higher reward than men can give.

Looking over our broad land, once prosperous, tranquil and happy; on our beneficent institutions; on

the only free government, they may have exclaimed with Leonidas in view of speedy and inevitable immolation on the altar of their country: "But ye rocks of Thermopylae—free mountains and happy plains ye will remain." In intelligence, patriotism and loyalty to country, the history of the world affords no brighter examples. They have merited all the effusions of gratitude which their country should ever be ready to bestow on the champions of its rights and its safety.

The green graves of our soldiers, in the deep shadows of the woods or on the broad hill sides of the valley of the Potomac are sad and touching spectacles. The loss of those fields is forgotten in the blaze of heroism with which they were defended; for humanity surrendered what valor had so gallantly contested. Nobly did they fulfill their destiny. Desperate courage and heroic fortitude served only to gild with tints of glory the bloody picture of their fate. They fell there because of their patriotism, and the epitaph which marked the spot where the immortal three hundred fell at Thermopylae might well be inscribed to commemorate their deeds: "Go stranger, and at Lacedaemon tell, that here in obedience to her laws we fell." They have gone to the union of kindred spirits, and those who perished for the formation of our government, and those who may fall for its preservation, we trust will reap congenial joys in the fields of the blessed.

Among the green hills of Virginia and the lonely dells of Kentucky, on the fertile plains of Missouri or among the gushing mountain streams of Tennessee, their dust awaits the morn of the resurrection. There in lonely quietude after life's fitful fever they sleep well. There they sealed their faith and constancy to

our liberties with their blood. There our soil was drenched with the common blood of many, who, their hearts glowing with patriotism and hope, fell in the defense of their country. There many a noble head was laid low and many an eye which shone and flashed proudly was dimmed in death. There were bright hopes and blasted expectations. Bitter tears were there shed and dying sighs were there heaved. There was no friendly hand to staunch that wound from which the red current of life flowed freely. No one to bathe that temple which has ceased to throb forever. There are wives, mothers, and sisters who would gladly have braved the leaden hailstorm of battle to minister to the dying soldier, to cheer him, far from the loved ones at home. Let such console themselves that it is sweet and becoming to die for one's country, and that the spots where the life blood of the free has been poured out are altars sacred to the high recollections of freedom. The armed legions that now march to battle disturb not their slumbers and the autumn winds may chant their last dirge as they sleep in the enemies' land. Green be the turf above them.

Sons of Freedom, sleep on, among the everlasting hills, by the ceaseless murmuring of waters. The song of the wild bird, emblem of liberty, may chant your eternal lullabies. There may the poet and patriot pay a tribute of honor and affection and the hand of friendship cherish the flowers that fringe the lonely graves where the brave repose who have died in the cause of their country. There laurels may freshen in eternal bloom on their sepulchers, and there may we, like Sir Robert Bruce when he knelt at the chancel stone which covers the remains of his departed friend Sir William Wallace, at the graves of our heroic dead

swear eternal vengeance against the enemies of our country.

When our Union shall again be restored to its original purity; when temples of the living God shall arise where now ascends the smoke of camp fires; when the flowers of summer and the golden and wavy harvest shall again spread over a thousand valleys, and our hill tops be vocal with the ecstasies of peace, commerce will then be busy, wealth, science and art may multiply their monuments all around. but let them not encroach on the sacred precincts of their burial places. Cherish them as hallowed shrines where the remotest descendants of the pure and free may come and strew garlands over their tombs and listen to the holy melody of night winds as they sigh a perpetual requiem over the graves of our "Fallen Brave."

MIAMI'S HONORED DEAD

The Swiss peasants, for five hundred years after the establishment of their independence, assembled on the spots consecrated by the valor of their ancestors, and spread garlands over the graves of their fallen warriors, and prayed for the souls of those who had died for their country's freedom. May we not, with equal propriety, on this occasion pay a tribute of respect to Miami's honored dead in all that generosity and homage which human hearts can give to courage, beautiful and manly? May not a tear of sorrow be shed for her brave sons, who, in early manhood consecrated themselves to the Republic and have fallen in the morning of life – their harvest of glory ungathered?

"If there be on this earthly sphere,
A boon, an offering Heaven holds dear
'Tis the last libation that Liberty draws
From the heart that bleeds and breaks in her cause."

They exhibited a fidelity to country equalled only by that of the gallant Decatur, who, as he lay wounded on the gory deck of his vessel, lifted his shattered arm to heaven and exclaimed with his dying breath: "May my country always be right; but my country right or wrong."

Their existence was indeed transitory, yet the soft memory of their virtues lingers like the twilight hues of sunset and we are left but to muse on their faded loveliness. May we not fancy that as they sank, their

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Delivered in the Chapel of Miami University, February 23, 1863.

disenchanted spirits arose and are this day mingling with us.

Miami may point to her honored dead as did Cornelia, the Roman matron, to her sons, and be proud of her jewels—gems more brilliant than ever decked the coronet of queenly beauty or blazed in the halls of royalty. The halo of a patriot's martyrdom lingers over the seats once occupied by them, and the sunset glow of their lives brightens the history of their Alma Mater. The dews of heaven descending may have mingled with the death damp which gathered on their brows, yet let us hope that gentle spirits brought consoling memories to their dying hours, and anticipations bright and beautiful clustered around their souls as the sands of life ebbed swiftly away. In lonely quietude, after life's fitful fever, Miami's dead sleep well. They had the martial tread of the gallant defenders of the Union. Sons of Miami! Sleep on, where the soft cadence of songsters and the holy melody of night winds may chant your perpetual requiems.

We shall love to think of Miami's dead and fancy for them a future as bright and beautiful as did the primitive inhabitants of Mexico for their fallen warriors, who immediately passed into the presence of the sun—whom they accompanied with songs and choral dances in their bright progress through the heavens, and after some years their spirits went to animate the clouds and singing birds of beautiful plumage and to revel amidst the rich blossoms and odors of the garden of Paradise. The green turf that fringes their lonely graves shall not be greener than their memory and our affection for them not less fragrant than the wild flowers that bloom above their tombs. The names

shall live embalmed in sweetest fancies and our recollections of them shall burn sacred on the altar of memory, and so long as this anniversary shall be returned to us and its dawn blazons and its eve purples the gorgeous folds of our country's banner as it floats proudly over us. May its lingering tints light with mellow radiance those hallowed spots where rest Miami's honored dead.

MIAMI UNION LITERARY SOCIETY

In addressing you more particularly on this occasion permit me to indulge in an expression of thankfulness for the kindness so frequently manifested toward me since my connection with your organization. Especially shall this last testimonial of esteem from the young gentleman with whom I have so long and so pleasantly associated be embalmed in my heart of hearts and shall always be cherished as the brightest memory of my collegiate days—the realization of my academic aspirations. On this, our annual literary festival, the past and future are brought together—the prospective and retrospective. Our flattering anticipations are mingled with recollections of sadness. Our laurels are wreathed with cypress. The white rose of Miami Union might well be twined with ivy. When memory this evening would recall the names of Captains Olds, Harter and Dunn there comes a melancholy response "Dead upon the field of honor." Than theirs no nobler libation has been offered to liberty. They were mirrors in which we might well model and fashion ourselves to pure disinterested love of country. A fragrance sweeter than the wild flowers which deck their graves shall always cling around their memories, exhaled from the clustering virtues which beautified their characters. Our remembrance of them shall be as chaplets of amaranth—greener, nobler, than ever

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Delivered before the Miami Union Literary Society, Miami University, at the Thirty-Eighth Annual Exhibition, December 21, 1863.

decked the brow of Olympic victors. Friendship sheds tears of sorrow over the graves of departed genius and worth. Friends! Brothers! Patriots! Farewell, fare-ye-well forever!

> "Light be the turf of your tomb,
> May its verdure like emeralds be.
> There should not be the shadow of gloom
> In aught that reminds us of thee."

One question, says a great philosopher, I ask of every young man which with undivided soul he follows. Has he aim? Whether that aim be a right one or a wrong one forms but my second question. Young gentlemen, have that one great aim—one grand idea of practical good and bend all the energies of your soul to its accomplishment. Desultory firing had but little effect upon the legions of Napoleon, but under the concentric fire of the two hundred and forty pieces of the Archduke Charles artillery, the eagles of France wavered. Would you drink the Pierian rather than the Lethean springs, waste not your efforts on base ignoble objects. Commodus who descended sword in hand into the arena against a wretched gladiator armed only with a foil of lead, and shedding the blood of his helpless victim, struck medals to commemorate his inglorious victory, is not worthy of imitation. Emulate rather the example of the gallant Douglas, who, having thrown the heart of his departed friend Sir Robert Bruce far into the ranks of the infidels with the sublime expression, "Onward thou noble heart as thou wast wont," pressed bravely forward for its recovery. Mark not time but march forward in the cause of truth. Go as patriots, not as conscripts. Enlist in the flying artillery rather than in the invalid corps. At the blast

of bugles the walls of old Jericho tumbled down—it will require more than an exercise of lungs to successfully storm the intrenchments of ignorance. Wage a determined crusade against the opponents of human advancement until you plant the standard of victory in the very camp of the enemy. Be progressive; let the invisible of to-day be the visible of to-morrow if you, like Aladdin in the cave, would wander in the subterranean gardens of thought and gather immortal fruits. Posterity as a just creditor demands of you individually, in specie payment, in genuine merit, the highest excellence you are capable of attaining. In view of your advantages, your liability will be great. Be originators not imitators. The statue of Jupiter of Olympus was an elegant imitation of life, yet that was not the Jupiter which thundered in the valleys, the subduer of the Titans, the liberator of the Cyclops. The representation in marble of the fighting gladiator was perfect in sinew and muscle, yet it was inefficient in the conflict, powerless in the arena. Be useful rather than ornamental. Beau Brummel was graceful in the dance and possessed all the effeminate accomplishments of an Adonis, yet he was not great. He was a shadow, not a substance. Shadows may amuse, they will not benefit. Let not your lives be like those little angels, which, according to tradition, are generated every morning by the brook which rolls over the flowers of Paradise, whose life is a song, who warble till sunset, and then, without regret, sink back into nothingness—gone and are forgotten. But exert an influence among your kindred and your countrymen that "the toll of your funeral bells will not drown, nor the green sods of your grave muffle." Let Miami Union Hall be the Trojan horse whence shall go forth

none but real men. Be practical rather than theoretical; actual rather than ideal. For

> "In action are wisdom and glory,
> Fame, immortality—these are its crown;
> Would'st thou illume the tablets of story?
> Build on achievements your hope of renown."

Young gentlemen, be true to yourselves, to your country and to your God, and may the smile of Him who resides in the heaven of heavens be upon you, and against your names in the volume of His will may happiness be written.

FACULTY OF CINCINNATI LAW SCHOOL

Gentlemen of the Faculty:

In behalf of the young men of the Cincinnati Law School I bid you a cordial welcome to the festivities of this occasion. When Justinian closed the schools at Athens, we are told that the followers of Plato and Aristotle, as a mark of their veneration and esteem, lingered around the porticos and groves which had been consecrated by the genius and eloquence of the old philosophers. In the same spirit we proffer our greetings to-night. To instruct young men in that science which is defined to be the perfection of reason, to inculcate those principles of civil polity which underlie all human governments, to teach them to redress wrong, to vindicate the right, to defend the oppressed, and to prepare them for a profession in which Lord Mansfield and Kent, and Story and John Marshall spent their lives, is a high calling. It is a work that contributes no less to the individual than to the state, for Cicero tells us that in Rome even the boys were required to commit the twelve tables to memory, that they might early become familiar with the laws of their country, and Ben Jonson described the Inns of Court, the law schools of his day, as the noblest nurseries of liberty and humanity in the kingdom. Those wise republicans thought well for the future of Lacedaemon

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Address of Welcome to the Faculty of the Cincinnati Law School at a Banquet given at the St. Charles, May 18, 1867.

when they offered Antipater their old men as hostages for the fulfillment of a distant engagement, but refused him even half the number of their children, lest they might be prejudiced against her institutions.

The profession of law is an honorable one. It embodies the experience of ages; it comprehends the intellect of centuries. The system of jurisprudence is the garnered wisdom of a thousand years. Its decisions affect the rights of unborn generations. The courts of to-day but repeat the rulings of Lord Coke, as he sat in judgment more than two hundred years ago.

The Pandects have survived the works of antiquity, and when Rome had ceased to rule the world by the arms of her legions, she governed by the spirit of her laws. We remember Justinian as the legislator rather than as the emperor.

When he reunited Italy and Africa, he did less for posterity than when he gave us the Institutes. The Code Napoleon will live long after the clicking of sabers at Austerlitz will be forgotten; when its author was sacrificed at Helena the code remained. It is this profession, then, and the one which you now adorn, to which we aspire. We are emulous of success there; and because of the preparation that we have received from you, we feel that we are the better qualified for it. The relation of instructor and instructed will not be severed without a regret on our part, and it may not be inappropriate at this time to express an acknowledgment for the dignified courtesies that have always characterized your efforts in the lecture room.

We shall not forget the associations begotten by the friendly intercourse of the past two years. Again, in

the name of these young men, whom I am called upon to represent, and, because of the estimate of your personal excellence and worth, I extend to you a thrice welcome here this evening.

LAW AND MEDICINE

In the celebrated Criminal Code of Charles V. of Germany, in 1532, known in the history of jurisprudence as the Caroline Code, it was first enacted that the testimony of physicians in medical questions should be received in courts of justice. It is true that the Romans even at the time of Numa based many of their laws on the authority of the doctors, but this was practically the first formal recognition of that science which applies the principles and practice of the different branches of medicine to the elucidation of doubtful questions in a court of law. To-night when we mark the good of Fortinio Fidelis (1602) and Paulus Zacchias (1584) and notice how the feeble spark of their time has been blown into a flame by such minds as Fodere (1764) and Parr and Beck and Ray and Wharton; when we consider the perfection of the system of Toxicology, first demonstrated by Orfila in the action and tests of individual poisons as they relate to animal life, we are impressed with the progress and development of the system of medical jurisprudence. Those great hands, indeed, set down the corner stones of the temples and palaces of this master science and laid deep the foundations upon which the coming years will erect structures of unrivalled magnificence. The Greeks had their Asclepeion from which the streams of medical science flowed not

Delivered at the Annual Commencement of the Miami Medical College at College Hall, Cincinnati, Ohio, February, 1872.

unlike our own colleges, and the work of the coroner of that day was performed by Antistius, who reported to the authorities, after holding an inquest over the remains of Julius Cæsar, that of the twenty-three wounds which the body had received, the one that had penetrated the thorax, between the first and second ribs, alone was fatal, but it remains for this age to witness the application of the principle of medical science to the determination of the most important questions in our courts.

The profession may not have reached that exquisite nicety predicted by Mandeville, when the uroscope will enable the physician to diagnose in the product of a Sunday the religion, and in that of a week day the politics of a patient, yet the time has come when medicine and law are found hand in hand in the furtherance of the ends of justice. Between the two professions there should not only be the alliance of friendship, but there is also the alliance of necessity. There is between them the Siamese attachment of mutual interest. The science of medicine has now become absolutely necessary with that of the science of law in determining questions affecting the loss of life from injury, as well as the many questions of disqualification for social and civil duties. The lawyer is designed to serve man in his social or relative state; the physician to serve him in his individual or absolute state. One practices in the various branches of commercial law; the other in the various departments of physiological law. The physician must study the physical, the emotional, and the mental forces which go to make up the man; the lawyer studies him only in relation to others. One profession views man as a component part of a great social organism, as a member of society

with obligations and duties and privileges; the other views him as a single individual being who prefers life with its disappointments to death with its uncertainties. In a word the science of medicine deals with man in detail: the science of law deals with him in the aggregate. One considers the individual, the other considers society. Those men stand forth in the glory of usefulness who accomplish most for humanity. For this reason it is doubtful whether that profession which saves men from death to which disease is hurrying them is not greater than that which saves an innocent client now and then from the gallows.

We have only to notice the advance made in the legal test of insanity to appreciate the humanizing influence of medical testimony. It has been held within one hundred and fifty years that the test in criminal cases is whether the party was totally deprived of his understanding and memory and did not know what he was doing more than a wild beast. This was the opinion substantially held by such eminent jurists as Lord Coke and Lord Hale. In this opinion they were guided by the best medical authorities of the day, for it will be noticed in the books that Lord Hale carefully makes use of the language of medical men. It was in this way that defective medical theories upon questions of insanity became incorporated into common law principles. Opinions merely medical and pathological in their character, relating entirely to questions of fact and full of error, as science now demonstrates, acquired the force of judicial decisions. It is often difficult in fixing responsibility to ascertain whether one may have a mental disease and whether the act in question was the result of that disease. These difficulties arise from the nature of the facts to be investigated and

not from the law; they are practical difficulties to be solved by the jury and not legal difficulties to be solved by the court. It is the promise of medical science to solve these difficulties by tracing the effect of mental disease on the powers of the mind; to follow insanity in its pathological as well as in its psychological relations. In the Roman law the insane or *dementia* are divided into two classes—the *menti capti* and the *furiosi;* the French and Prussian codes make use of the terms *demence, fureur* and *imbecillite;* the English common law recognizes but two kinds of insanity—idiocy and lunacy. It remained for the medical experts of our own land to so trace the disorder of the mind from *furiosi* to that of questionable sanity, that henceforth "emotional insanity" must be recognized as belonging to the American code. This has been held to be of such a temporary character that it lasts only while the finger of the murderer is upon the trigger of the pistol that sends the bullet to the heart of the victim.

What is most needed and what the administration of justice, as well as the interests of society most demand, is some clear, well defined term in the expression of scientific truths, as well as enlarged practical information relative to the subjects to which they belong. The legitimate goal of all inquiry in the medico-legal domain is the endowment of human life with new inventions and new riches.

Society demands of the medical profession the highest intelligence in medico-legal subjects, for the trial in court is often followed by the trial before the bar of public opinion. In listening to the voice of humanity and the appeal to sympathy, the profession cannot afford to forget the higher obligations to true science.

Jean Paul said, "Schiller and Herder were both destined for physicians, but Providence said *No!* there are deeper wounds than those of the body, and so they became authors." Jean Paul forgot that physiology is just as important as psychology and that there is no higher calling than that of the philanthropist measuring some form of human suffering and devoting the energies of his life to its amelioration or removal.

Medicine is a ministry as well as a mission. Society asks that all her educated young men and young women should come to her bringing the philosophic spirit; that love of fundamental truth: that desire to know the cause of things; that wish to escape from the chain of superstition and prejudice; that insatiable love of the true and the good which so ennobles the scholar and which so empowers the present to shower blessings upon the future. This spirit brought into the profession of medicine casts its mantle of dignity over all alike and leaves the world to sometimes doubt which is the more honorable the physician at the bedside or the practitioner at the bar. The will must be firm, the heart patient, the aspirations passionate to secure the fulfillment of some high and lofty purpose.

It is not sufficient that the graduate should be sent forth with microscope, stethoscope, uroscope and pleximeter and omniscient of fevers. The proper object of clinical studies is not to prescribe alone, for Radcliffe used to say that when young he had fifty remedies for one disease, and when old he had one remedy for fifty diseases; and Dr. James Gregory is responsible for the statement that young men kill their patients, old men let them die. The highest test of medical skill is to produce in the animal economy those operations

which nature is observed to excite as the means of restoration. The true physician assists processes of nature.

The path of duty must be followed with all humility, for the egotism of man dies away just as he beholds the glory of God. It is not permitted one to know everything. Newton felt that he had only picked up a few shells by the great seashore, and it is told of Aristotle that, after having acquired more learning than was possessed by all those of his age, he grew sad of heart because it was not permitted him to know what caused the flow of the tide of Euripus.

Let Medicine and Law, then, go hand in hand in extending character and sympathy and in advancing the cause of Right and Justice.

CHIEF JUSTICE WAITE

[From Debate of the Ohio Constitutional Convention, Thursday, January 29, 1874.]

Mr. Hunt: Mr. President, the committee having in charge the duty of expressing in an appropriate manner the regard of this Convention for the late President, have directed me to report the resolutions which have just been read, as indicative not only of the sense of this committee, but, as there is reason to believe, of the sentiment of the entire body.

Chief Justice Waite bears with him from the chair which he has honored as presiding officer to the one which has been occupied by Jay and Rutledge, and Ellsworth and John Marshall, the sincere respect and affectionate regard of all with whom he was officially associated. It is said that the little creature called the ermine is so sensitive to its own purity that it becomes paralyzed at the slightest touch of defilement upon its snow white fur. It is emblematical of judicial integrity. The hunters spread with mire the paths leading to the haunts toward which they draw it. It will then submit to be captured rather than defile itself. It prefers death to dishonor. We feel assured that a like sensibility will characterize him when he comes to assume the judicial ermine. He now has great opportunities, and greatly will he fill them. We trust that after long years of usefulness to his country in a posi-

Remarks in the Ohio Constitutional Convention on the Report of the Committee in Reference to the Appointment of President Morrison R. Waite, as Chief Justice of the Supreme Court of the United States.

tion which has been filled by the mightiest names in American history, some new Erskine, speaking to the people of a later generation, will say of him, as was so well said of Lord Mansfield, "This great and honorable magistrate has so long presided in this great and high tribunal, that even the oldest of us do not remember him with any other impression than as the awful form and figure of *Justice.*"

THE VETO POWER

Mr. President:

There is no principle so essential to free constitutional government as the limitation placed upon the executive, the legislative and the judicial branches. In the formation of the federal constitution it was recognized as the basis of all government. The necessity of reciprocal checks in the exercise of political power, by distributing and dividing it into different departments, each the guardian of the public good, was considered by all of the earlier statesmen. They were careful to designate the attributes of each department, and to insert terms of limitation and exclusion. They assigned to the different departments their respective powers. The great object of a written constitution is to keep the various branches of government as separate and distinct as possible, and for this reason restraints are imposed. This idea has become fixed in the national sentiment and in the national character. It has been incorporated into every state constitution. These restraints are necessary to secure permanency and stability in the administration of public affairs. The preservation of our political well being—both state and national—depends upon these distinctions and limitations. Every department of government is then alike under the same obligation to defend the constitution and the laws. The powers of each, although separate and defined, are still united in advancing and promoting the public good. The principle of bal-

Delivered in the Ohio Constitutional Convention, February 4, 1874.

ance in the organization of government must be kept in constant operation. This is the history of all governments where the royal will is not the supreme law. Centralization of power becomes political despotism. In all the monarchies of western Europe, during the middle ages, there existed these restraints on the royal authority. Kingly power must be tempered by fundamental laws and representative assemblies to render the administration of justice uniform throughout the land. It is in this country that there has been applied to a republican form of government the true principle of limitation whereby each department may be kept within its proper sphere of action. The judiciary must be separate from the executive and legislative branches, and provide for the decision of private rights wholly uninfluenced by reason of state, or considerations of party or policy. It is the glory of the British constitution to have led in the establishment of this important principle. It is the theory of the constitution to restrain the legislature and to subject their acts to judicial decision whenever it appears that such acts infringe constitutional limits. In the absence of such a check, no certain limitation could exist in the exercise of legislative discretion. Power is of an encroaching nature, and should be effectually restrained from passing the limits assigned to it.

When the courts of justice go beyond the work of construing and applying the principles of law, they no longer become the citadel of popular liberty and the temples of private justice. When the legislature usurps the power of the executive—as well as the functions of the judicial department—there is no longer any protection against illegal or unconstitutional acts. When the executive assumes the prerogatives of the

legislative and judicial departments, and the "will of the Prince" becomes the law, there is no further security for private rights and the upright administration of justice. It has been well said by Madison, that "the accumulation of all power, legislative, executive and judicial, in the same hands, whether of one, or few, or many, and whether hereditary, self-appointed, or elective, may justly be termed the very definition of tyranny."

The veto power is necessary in our system of government to maintain this idea of limitation and the independence of each department. The framers of the federal constitution contended that it was not inconsistent with republican institutions, and made it a part of the organic law. The same reasoning will apply to the state constitution. The power of self-defense is as necessary as the right of self-defense. The theory of limitation of power can not be maintained so long as one of the co-ordinate departments of government is not strong enough of itself to assert its independence within the strict limit of constitutional enactment. The judiciary is vested with the power of a negative in declaring unconstitutional the acts of the legislative assembly. The executive should be vested with the power of a qualified negative in a revision of the acts of the legislature on the ground of their impolicy, as well as their unconstitutionality. The effectual organization of the several departments of government is the surest guarantee against the encroachments of the other departments. It is only when the executive, the legislative and the judicial branches shall each be armed with a power sufficient within itself that the system of balance can be maintained. "Experience," said one of our ablest political

thinkers, "has taught us a distrust of that security, and that it is necessary to introduce such a balance of powers and interests as will guarantee the provisions on paper." It is not alone in the separation of the powers of government, but in the ability to assert their individuality, that we have the surest guarantee of governmental protection. Personal liberty can have no security without it. There is never any protection for freedom when there is nothing that limits or restrains the exercise of arbitrary will. Chief Justice Marshall, in the celebrated case of Marbury *vs.* Madison, says: "The constitution is either a superior and paramount law unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of a people to limit a power in its nature illimitable."

The veto power invests the executive with a defense and strength not inconsistent with the principles of representative government, and enables that department to defend itself against encroachments. There must be an efficient executive. There must be a dignity and an independence attaching to the office. The independence should be important enough to manifest itself; it should be strong enough to defend itself. The Federalist thus speaks of these powers: " * * * The insufficiency of a mere parchment delineation of the boundaries of each has also been remarked upon, and the necessity of furnishing each with constitutional arms for its own defense has been inferred and proved. From these clear and indubitable principles

result the propriety of a negative, either absolute or qualified, in the executive upon the acts of the legislative branches. Without the one or the other the former will be absolutely unable to defend himself against the usurpations of the latter. He might gradually be stripped of his authority by successive resolutions, or annihilated by a single vote. And in the one mode or the other, the legislative and executive powers might speedily come to be blended in the same hands. If even no propensity had ever discovered itself in the legislative body to invade the right of the executive, the rules of just reasoning and theoretic propriety would of themselves teach us that the one ought to possess a constitutional and effectual power of self-defense." There can not be, said Montesquieu, any liberty where the legislative and executive powers are united in the same person, or body of magistrates.

The veto power is necessary to prevent legislative encroachments. In the convention which framed the federal constitution there seemed to be no question as to the necessity of some limitation upon the powers of the legislature. All agreed, as Mr. Gorham said in that body, that there should be some check upon the legislative branch. The only question was whether the negative on laws should be limited or absolute, and whether it should be intrusted jointly to the executive and the judiciary. Madison insisted that it would be useful to the judiciary department by giving it an additional opportunity of defending itself against legislative encroachments, and would be useful to the executive in inspiring additional confidence and firmness in exercising the revisionary power.

The history of the federal congress, as well as the

general assemblies of all the states, shows the necessity of settled limits to legislative discretion. The Ordinance of 1787, which has exerted such a mighty and permanent influence upon the people of the northwestern states, prohibited legislative interference with private contracts and secured to the people, as an inalienable inheritance, the benefit of *habeas corpus*, of trial by jury, of judicial proceedings according to the common law, and of a representative government. This prohibition has been to a great population the safeguard of the public morals and of individual rights. The future of this people will show that more is to be feared from legislative usurpation than from executive interference. This is the tendency of all republican government. The legislative department derives a superiority in the state, as well as in the national government, from the very nature of its organization. Its constitutional powers are at once more extensive and less susceptible of definite limits. It can, therefore, with the greater facility invade the limits of the other departments of government. The legislature controls the public funds. It carries with it great force of public opinion. The representatives of the people are frequently brought in contact with one another and with their constituencies. The people are seldom on their guard against legislative encroachments. The history of the English parliament proves most conclusively the tendency of all legislative bodies. It has absorbed the whole power of the English government. Blackstone, in alluding to its influence, remarks: "The power and jurisdiction of parliament, says Sir Edward Coke, is so transcendent and absolute that it can not be confined, either for causes or persons, within any bounds. * * * It hath sovereign and

uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws concerning matters of all possible denominations, ecclesiastical or temporal; civil, military, maritime, or criminal; this being the place where that absolute despotic power which must, in all governments, reside somewhere, is intrusted by the constitution of these kingdoms. All mischiefs and grievances, operations and remedies, that transcend the ordinary course of the laws, are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the crown, as was done in the reign of Henry VIII. and William III. It can alter the established religion of the land, as was done in a variety of instances in the reign of King Henry VIII. and his three children. It can change and create afresh even the constitution of the kingdom and of parliament themselves, as was done by the act of union and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible to be done; and, therefore, some have not scrupled to call its power, by a figure rather too bold, the omnipotence of parliament."

The future danger to our free institutions lies in that direction. It does not require the spirit of prophecy to predict it. We have more to fear from a long parliament than from a Cromwell. Cæsarism is not of this day nor of this generation. The conventions which recently framed the constitutions for the great central states of Pennsylvania and Illinois realized this growing tendency in the administration of the government by placing additional restrictions upon the law-making department. It has been well said in the Madison papers, "that experience in all the states has

evinced a powerful tendency in the legislature to absorb all power into its vortex. This was the real source of danger to the American constitution, and suggested the necessity of giving every defensive authority to the other departments consistent with republican principles."

When France adopted universal suffrage as the basis of her representation, Lamartine remarked in its favor that it was the strongest basis which any government could adopt, by reason that all occasions for revolution were extinguished when a people can, at all times, legally adapt public measures to their own will. The veto power enables the people to legally adapt public measures to the public will. It is simply an appeal to the people as supreme arbiter. It is a reference to the ballot box. Its exercise can enact no legislation. It can defeat no policy demanded by the public interest. The term of the executive is so limited that in the event of withholding assent from a measure required by public necessity, the people can pass upon it at the next election. The approval of the people can make it a law. The history of all federal and state legislation proves most conclusively that the prerogative will not be exercised to the injury of the public good. There is more danger to be apprehended from the passage of an unwise law than from the postponement of judicious legislation until public sentiment can be considered. The mistaken application of the veto power can only delay for a time that which may be improperly delayed. It is not the one-man power. It is rather every man's power. It is not a kingly prerogative, but one of the highest privileges that pertains to a free people. The qualified negative is less of the monarchy than of the republic. No measure

demanded by public sentiment can be defeated by the exercise of the veto power. This was well illustrated in the attempt to abolish the continuance of the nobility by the Norwegian diet in 1828. The veto power is vested in the king, but if three successive diets repeat the decree, it becomes a law without the royal assent. In this respect it is a qualified, and not an absolute negative. The king, on two occasions, had disapproved of the law passed by the parliament against the further continuance of the nobility, but the third diet confirmed the decree of the two former sittings, and it became the law of the land, notwithstanding the royal negative. There is a power higher than governor, or president, or king, and this power will ultimately prevail. It is the judgment of a free people. De Tocqueville, in his *Democracy in America,* in commenting upon our institutions, says of the veto power: "The president, moreover, is provided with a suspensive veto, which allows him to oppose the passing of such laws as might destroy the portion of independence which the constitution awards him. The struggle between the president and the legislature must always be an unequal one, since the latter is certain of bearing down all resistance by persevering in its plans; but the suspensive veto forces it at least to reconsider the matter, and, if the motion be persisted in, it must be backed by a majority of two-thirds of the whole house. The veto power is, in fact, a sort of appeal to the people. The executive power, which, without this security might have been secretly oppressed, adopts this measure of pleading its cause and stating its motives."

Congress considered the force of this appeal to the people when in 1832 it presented to President Jackson the bill for the re-charter of the United States Bank

at the time he was a candidate for re-election. "I have now done," said he, "my duty to my country. If sustained by my fellow citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace."

The exercise of the veto power is further designed to prevent hasty and inconsiderate legislation by subjecting it to the revision and judgment of the executive. It is evident that much of our legislation is enacted in haste, some of it through passion; and much of it through great carelessness. It is not an absolute and an arbitrary power. It is only an intimation of dissent to what the executive considers impolitic or unconstitutional legislation. The governor is elected by the people of the whole state. The commonwealth is his constituency. The office represents the sovereignty of the people. To that department properly belongs, in the name of the people, a supervision over every bill before it becomes a law. Laws may be unwise, laws may be dangerous, laws may be impolitic when passed by a temporary majority in times of public excitement and moved by violent prejudice. If such legislation be subjected to some revisionary power, there will be an opportunity to counteract, by the weight of opinion, the improper views of the legislature. Wise legislation will not be defeated. Unwise legislation may be arrested until there is an expression of popular will. The separation of the legislature into two houses, each with a different constituency, and the necessity of the concurrent vote of both houses to an act of the general assembly, were all intended to prevent inconsiderate and unwise legislation. The constitution of the state further provides, as an additional check against immature measures, that every

bill shall be fully and distinctly read on three different days, unless in case of emergency three-fourths of the house in which the question shall be pending shall dispense with the rule. Sectional feeling and local prejudice may enact such legislation as will not stand the test of calm reflection and deliberate judgment. A wise student of history has said that "the most valuable additions made to legislation have been the enactments destructive of former legislation."

The disapproval of the executive is not personal; it is of the people. It belongs to the office, not to the individual. When properly exercised it becomes the safeguard of popular rights. It fastens no policy of legislation upon the state. It is the voice of the people speaking through the representative of the whole people. Instead of the kingly power, its proper use becomes the authoritative power of the people. It originated in the very idea of protecting the public against oppressive legislation. It is intended to guard the citizen against the passage of bad measures through haste, inadvertence or design. Justice Story, in his *Commentaries on the Federal Constitution,* thus speaks of the veto power in this connection:

"In the next place, the power is important, as an additional security against the enactment of rash, immature, and improper laws. It establishes a salutary check upon the legislative body, calculated to preserve the community against the effects of faction, precipitancy, unconstitutional legislation, and temporary excitements, as well as political hostility. It may, indeed, be said, that a single man, even though he be president (or governor), can not be presumed to possess more wisdom, or virtue, or experience, than what belongs to a number of men. But this furnishes

no answer to the reasoning. The question is not, how much wisdom, or virtue, or experience, is possessed by either branch of the government, though the executive magistrate may well be presumed to be eminently distinguished in all these respects, and therefore the choice of the people; but whether the legislature may not be misled by a love of power, a spirit of faction, a political impulse, or a persuasive influence, local or sectional, which, at the same time, may not, from the difference in the election and duties of the executive, reach him at all, or not reach him in the same degree. He will always have a primary inducement to defend his own power; the legislature may well be presumed to have no desire to favor them. He will have an opportunity soberly to examine the acts and resolutions passed by the legislature, not having partaken of the feelings or combinations which have procured their passage, and thus to correct, what will sometimes be wrong from haste and inadvertence, as well as design. His view of them, if not more wise, or more elevated, will, at least, be independent, and under an entirely different responsibility to the nation, from what belongs to them. He is the representative of the whole nation in the aggregate; they are the representatives only of distinct parts; and sometimes of little more than sectional or local interests."

The exercise of the veto power is as well demanded in the state as in the federal system. The same tendency in legislation exists in the one as in the other. The history of all state governments demonstrates that the errors committed in legislation proceed from the fact that the members are not unwilling sometimes to sacrifice the comprehensive and permanent interests

of the whole state to the particular and separate interests of the constituencies which they represent.

It has been urged by the gentleman from Pickaway (Mr. Page), that the veto is a relic of the Stuarts and the Norman conquerors. It is true that the Stuarts made it an instrument of oppression by withholding their assent from beneficial laws until parliament would increase the royal prerogative; yet since the accession of the house of Brunswick, the negative has not been exercised. It is no argument against the principle itself that it has not been applied. It is sufficient that it has been frequently exercised in our own country in the interests of the people. The very organization of the English government prevents the necessity of a royal negative on the acts of parliament. The power vested in the crown has not been exercised since 1692. The legislative power of Parliament has almost become omnipotent. Royal authority, through the ministry, can so direct the proceedings of parliament as to accommodate the wants and necessities of the crown. The house of commons is of itself the representative of public opinion. The fact that responsibility in public affairs is taken away from the monarch and vested in a cabinet which changes with public sentiment, never creates an emergency for the exercise of the royal negative. A want of confidence in the ministry is followed by an appeal to the people, and England to-day is agitated from center to circumference by the adherents of D'Israeli and Gladstone. The king, too, retains his position for life, and his veto is not susceptible of a review by the people on a vote of two-thirds of the legislature. The greatest danger to which the English constitution is now exposed is from the omnipotence of parliament. The

crown itself is even at its mercy. It depends very greatly for its existence upon tradition and the power of patronage and preferment. Even the courts of law are subject to parliament, and the separate branches of the legislative department, on several occasions, have asserted their superiority over the judiciary. Each house has claimed large, if not unbounded immunity from the jurisdiction of the law courts, and the latter have hesitated lest they should be intruding upon the privileges of parliament. In the English government an absolute legislature makes what law it will, and the crown can not interfere in any way whatever without the possibility of revolution. The judges have no power to say of any law which has passed through the form of an enactment, that it has not the full force of law. In our own country these relations are almost reversed. The legislature may make laws, but it is competent for the supreme court to pass upon them as being in excess of the powers of the law-making branch as defined by the constitution. The authority of the supreme court is only limited by the sovereignty of the people as expressed in the constitution, or as it may hereafter be expressed in solemnly ratified amendments to the organic law. The founders of the Republic expressly intended that this great court, consisting of members holding for life, should be and remain the standing guardian of the charter of the nation, raising its august front above the designs of politicians and the shifting changes of parties. Indeed, the whole structure of our government is so different from that of England, where the executive is not elective, that no argument can be drawn from the fact that the veto power has not been exercised for nearly two hundred years.

While it is an essential element in all free governments that the majority should rule, it is as necessary that the majority should govern according to certain restrictions. If a different rule should prevail, our legislative bodies would soon degenerate into parliamentary despotism like that of the long parliament in England, or the constituent assembly in France. The right of the majority to rule exists only by virtue of civil, and not of natural law. It is conferred by force of positive enactment. We live under a government of law in principle, and not under a government of will, whether of the majority or the minority. There are certain fixed rules by which all legislation must be determined. If these limits may be passed at any time by those intended to be restrained, there is no longer any necessity for a written constitution. The veto is calculated to protect the rights of the minority against the aggressions of the majority. The expediency or unconstitutionality of a measure is not unquestionable which is opposed by one-third of the members of a legislative body. It affords the minority an opportunity of being heard, for it assumes the character of a mere appeal to the legislature itself. It simply asks for a revision. It is in the nature of a rehearing. It is a reconsideration. Where a measure is opposed by a strong minority, it may well claim the most considerate judgment. The idea that the veto is a "monarchical institution" had advocates when the minority attempted to assert its privileges in the constituent assembly in France. President Harrison, in his inaugural address, urged the protection of the minority as one reason for favoring the exercise of the veto power. "I consider the veto power, therefore, given," said he, "by the constitution to the executive

of the United States solely as a conservative power to be used only, first, to protect the constitution from invasion; secondly, the people from the effects of hasty legislation where their will has been probably disregarded, or not well understood; and thirdly, to prevent the effects of combinations violative of the rights of minorities."

The veto had its origin in the defense which liberty made against oppression. It did not come from the crown, but from the people. It was the demand for the enforcement of rights. It was the protest against the commission of wrong. In early Rome, where it originated, it was the stand of the plebeian against the patrician. It was the first attempt of the common people toward securing their liberties. The people contended that they should elect magistrates whose persons should be held sacred and inviolate, to whom they could commit the protection of their rights. These magistrates were the tribunes. They stood between the people and the oppression of power. The tribunes could prevent the discussion of any question. Their power was almost absolute. They could arrest, by the utterance of the word "veto," almost the entire machinery of government. The negative was unqualified. When it was properly used it was the measure of the people for the protection of the people. It was the assertion of the right of the oppressed. It was the liberty of the plebeian against the tyranny of the patrician. The person of the tribune was held sacred. The decree of the senate bowed to its supremacy. The power of itself in its origin assisted in the redress of wrongs as well as in the maintenance of liberty. It limited royal authority and the decree of the senate. When the tribunitian power and royal supremacy be-

came united—like the centralization of power in all governments—it overthrew the liberty of the citizen. In the hand of the tribune—the servant of the people—it was the exponent of the people's will. In the hand of imperial authority—and separate from the people—it became the instrument of despotism. It was only when the Emperor Augustus had the tribuneship conferred upon him that the veto power became concentrated with imperial authority, and the liberty of the citizen was made subject to arbitrary will.

The framers of the federal constitution were almost unanimous in the opinion that the executive should have a revisionary power over the acts of the legislature. The English executive had a negative on the acts of parliament, and the colonial governors on the colonial legislatures. The power of veto was recognized as an essential element in the formation of the government. There was a sentiment in the convention in favor of constituting the Judiciary a part of the revisionary council. Madison contended, as has been said before, that this power would be useful to the judiciary department by giving it an additional opportunity of defending itself against legislative encroachments, and would be useful to the executive by inspiring additional confidence and firmness in exercising the revisionary power. Luther Martin, on the other hand, insisted that it would bring the two departments under the influence of each other, and would commit the judiciary against the constitutionality of the disapproved bills. An absolute negative was advocated by Wilson, of Pennsylvania, and Alexander Hamilton. It was opposed by Franklin, Madison, Sherman, Mason, and Butler, of South Carolina. The proposition of Mr. Gerry to intrust a limited negative

to the executive was adopted by a vote of eight of the states. Connecticut and Maryland alone voted in the negative. Mr. Bedford, of Delaware, was the only member of the convention to oppose it in debate in any form. It was at first ordered that a two-thirds vote could overrule the revisionary check of the executive, but this was afterwards changed to a three-fourths vote. The two-thirds provision was finally restored, and the veto power, as expressed in the seventh section of Article 1, became a part of the federal constitution, which has been the model for our state constitutions, and which for nearly three generations of men has stood the judgment of posterity and commanded the approval of the American people.

The fact that the veto power has not become a part of the state constitution—while nearly every other state has adopted it in some form—may be attributed to the abuse of the power by Governor St. Clair. In the year 1789 the first congress passed an act recognizing the binding force of the Ordinance of 1787, and adopting its provisions to the federal constitution. Before the year 1795 no laws, strictly speaking, were adopted. They were generally passed by the governor and judges to answer particular public ends, while in the enactment of others, including all the laws of 1792, the secretary of the territory discharged the functions of governor under the authority of an act of congress. In 1792 congress passed another act giving the governor and judges authority to repeal, at their discretion, the laws by them made. The ordinance provided that upon giving proof to the governor that there were five thousand free males, of full age, in the territory, the people should be authorized to elect representatives to a territorial legislature. The two houses

were to constitute a territorial legislature with power to make any laws not repugnant to the federal constitution or the Ordinance of 1787. The judges were thenceforth to be confined to purely judicial functions. The governor was to retain his appointing power, his general executive authority, and have an absolute negative on all the legislative acts. The power of the governor was even more absolute than before. Governor St. Clair, on the nineteenth day of December, 1799, terminated the first session of the legislature. In his speech he enumerated eleven acts to which in the course of the session he had thought fit to apply an absolute veto. Six of the eleven acts then negatived related to the erection of new counties. These were disapproved for various reasons, but principally because the governor claimed that the power exercised in enacting them was vested by the ordinance in himself, and not in the legislature. This abuse of the veto power excited much dissatisfaction among the people, and the bitter controversy which followed between the governor and the legislature as to the extent of their respective powers, had a tendency to strengthen the public discontent.

The second session of the territorial legislature assembled at Chillicothe. The unpopularity of Governor St. Clair was manifested in the debates and the votes in answer to his speech. A remonstrance relative to the mode of exercising the veto power was presented to him on behalf of both houses, to which he returned a long and labored reply. The governor claimed to be a co-ordinate branch of the legislature, vested with full discretion to decide on the propriety and expediency of all their acts, placing his own opinion, in every case, in opposition to the judgment and ex-

perience of both houses. Many of the acts which he refused to approve were demanded by public sentiment and the interests of the people. The exercise of this arbitrary discretion prevented the enactment of important legislation. The action of the governor created a bitter controversy. The two houses had respectfully requested him to return the bills he could not approve before the close of the session, with his objections, so that it might be in their power to remove any objections by amendment. In his reply, the governor said:

"As to your request, gentlemen, that when any bill or bills may be presented for approbation, which may not be approved, I shall return them in ten days to the house where they originated, with the objections I may have to them, I am sorry to tell you that it is altogether out of my power to comply with it. The ordinance for this government has placed in the governor an absolute negative on the bills of the two houses, and you request that it may by me be converted into a kind of qualified negative. You do not, indeed, require that should the objection be thought of little weight, your acts may become laws, without the governor's assent, that would have been too directly in the face of the ordinance; though without it, I must own I cannot see any use in sending the objections to you."

The differences between the executive and the legislature increased until they terminated in his removal from office before the expiration of the territorial government.

The first constitutional convention of Ohio, which assembled on the first day of November, 1802, at Chillicothe, refused to incorporate the veto power in the

organic law. The abuse of its exercise and the course of Governor St. Clair—like the Stuarts in withholding their assent from beneficial laws—prejudiced the convention against its adoption. It was regarded as an arbitrary infringement on the rights of the people. The territorial governor was not an elective, but an appointed officer. His authority had frequently conflicted with that exercised by the territorial representatives of the people. The framers of the first constitution, to some extent, were influenced by the feeling which the course of Governor St. Clair had provoked in the abuse of the veto power. In Michigan, where the same feeling for the same cause existed, the veto power was not vested in the executive in framing the organic law. The dissatisfaction with the governor even manifested itself in a remonstrance addressed to congress, against the unqualified veto so arbitrarily exercised, over the acts of the legislature and against the exclusive right he claimed of dividing and subdividing counties, after they had been created and organized by himself without their concurrence. The second constitutional convention of Ohio, which assembled in 1851, considered the question of vesting the power of veto in the governor, but finally rejected the measure by a small majority. It is safe to assume that the prejudice which early obtained in the history of the state influenced in some degree the action of that body. We have realized, in the experience of the past twenty years, the necessity of additional restraints, in the legislative branch, against the encroachments of concentrated wealth and power.

It is not enough to say that the people have suffered no inconvenience from a want of the exercise of this

power. It is not enough to say that the present constitution, without this provision, has stood the test of twenty years and has become interwoven with our habits and our associations. It should be recognized that we occupy our present position at the call of a great people, and the obligation imposed upon us of framing a constitution and a fundamental law not for the past, nor alone for the welfare of our present population, but for the generations that shall come in the future. In this age of improvement and rapid advancement in material development—in this age of progress and concentration of influence and power—there is a greater necessity for care in our legislation. It is a question of no small moment to what extent these great corporations so rapidly increasing in wealth and power can be controlled by legislative action. If they are kept under the reasonable control of the government, they may accomplish the purposes of their organization and prove a blessing to civilization, and not destructive of government. There must be greater care under these influences if the state would maintain that honorable regard for private rights and public morals which now characterizes her legislation. We must not only act for the present, but for the future, and the possibilities of that future. It has been well said by Jefferson, in his *Notes on Virginia,* in speaking of the growth of power: "Nor should our assembly be deluded by the integrity of their own purposes, and conclude that these unlimited powers will never be abused, because themselves are not disposed to abuse them. They should look forward to a time, and that not a distant one, when corruption will have seized the heads of government, and be spread by them through the body of the people, when they will pur-

chase the voices of the people, and make them pay the price. The time to guard against corruption and tyranny, is before they shall have gotten hold on us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered."

All government to operate uniformly must be the government of reciprocal control. Law of itself is but limited liberty. There should be the greatest freedom to every citizen consistent with social order and the public good. The constitution is simply the will of the people expressed through an organization by balanced power. The state can well lay claim to the warmest affection and the noblest zeal of every citizen. In that spirit it should be our highest duty to frame a constitution wise, strong and durable, and which in its practical operation will secure to us and to those who shall come after us the blessings of peace, liberty and good government.

CENTENNIAL OF THE REPUBLIC

The wisest statesman of France of his day, more than a quarter of a century before the declaration of American independence, informed the cultivated world that a free, prosperous and great people were forming in the forests of America. If Montesquieu could stand with us to-day, on the one hundredth anniversary of our freedom, he would indeed realize that a great people had formed in these forests. A nation unites in recognition of the principle of civil and religious liberty, and in memory of those who established them. In the calendar of other countries there are days sacred to sovereign, or soldier, or statesman, but this anniversary alone in all history commemorates the beginning of a great people and is sacred to the cause of liberty. It is a day which belongs to a greater country than ever prophesied in the *Spirit of Laws,* and to a people joined together in the bonds of a common citizenship by the strong and invincible attraction of Republican freedom. It awakens the memory of the early struggle of the Republic, when the thirteen colonies, uniting in a solemn purpose, declared for the equality of man, and pledged their lives, their fortunes and their sacred honor for the mutual defense. It is a day when forty millions of people, animated by a higher and nobler sentiment than mere fealty to party or section, recognize that they are citizens of one nationality whose history is a common heritage, whose prosperity is a common blessing, and

Delivered at Sandusky, Ohio, July 4, 1876.

whose honor it is their sacred duty to vindicate. This anniversary is the bond of a common patriotism, binding together a whole country, to which every great name and every sacred recollection in our history adds its golden and silver thread. The passion of civil war may have strained, but it has not broken the bond of affection. After its calamities, the harvests are being peacefully gathered to their garners and the songs of homes are uninvaded by the cries and terror of battle.

May we not hope, as has been well said, that the mystic cord of memory stretching forth from every battlefield and patriot grave of the Revolution to every loving heart and hearthstone in this broad land will to-day swell the chorus of the Union, since it is touched by the better angels of our nature? To-day, upon the verge of the centuries, as we together look back upon that which is gone, in deep and heart-felt gratitude, so together will we look forward with confidence to that which is advancing. Together will we utter in solemn aspiration, in the spirit of the motto of the city which encloses the first battlefields of the Revolution, "As God was to our fathers, so may he be to us."

The maturity of the nation is but a continuation of its youth. The spirit of the colonies demanded freedom from the beginning. Indeed, the principle of civil liberty has a history which ante-dates the Declaration or even the landing of the Pilgrim Fathers. It manifested itself in the Democracy of Athens, where the elements of civil liberty were called into action, and afterwards in the Estates General of the Normans. Charles I. had his Essex and Cromwell, as well as George III. his Hancock and Samuel Adams. The same standard of individual liberty against arbitrary exaction of power was raised at Marston Moor as well

as at Bunker Hill. There have always been brave and gallant spirits to protest against wrong, even in the dungeons of Austrian despotism, or in the damp vaults of Venice and the Spanish inquisition. In almost every age there has been a Witherspoon to declare from the pulpit, a Patrick Henry to speak from the platform, a Joseph Warren to early consecrate himself to the struggle for liberty. It was the example of the men of the Revolution of 1688 that inspired the men of the Revolution of 1776. It was the struggle against James II., in England, that encouraged our war for independence. The petition of rights under James II. was a revised edition of the bill of rights under Charles I. The inspiration of liberty belongs to every heart that beats to be free. The Declaration comprehends the Magna Charta, the petition of rights and the bill of rights, because declaring for a higher political code than the nation has yet seen; it proclaims that all men are created free and equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness, and that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

The attempt to found political institutions upon the principles of the Declaration was the first distinctive avowal of self-government. The statesmen of Europe did not distinguish between anarchy and Republicanism, and did not hesitate to predict the downfall of the nation. The signers taught the wiser political philosophy that that government is strongest when it is the interest of the governed to maintain it. This sentiment is mightier than armies, for it disbands armies; it is mightier even than the law itself, for it makes

operative all living laws. The uprising of a great people to defend the union of these states when imperilled, astonished the governments of Europe, where armies are the result of conscription, and where military duty is compulsory. It was the development of that broad sentiment of nationality which underlies our institutions. It manifested that the people of these states have an attachment for the constitution dearer even than life itself, and that more than one million of men were willing to die for their country. The government, after the terrible ordeal of civil war, is safe in the confidence of the people. When the flag of Union, the welcome emblem of a restored nationality, again floated in triumph, the guns were returned to the arsenal, the dust gathered on the drums that had so lately beaten the long roll, while the grandest army that ever vindicated national integrity, returned to the vocations of peace. The English revolution ended in the dictatorship of Cromwell; the French revolution in the dictatorship of Napoleon; the late civil war in our land in the dictatorship of the people. The barons wresting the writ of King John, at Runnymede, was the first demand for the personal liberty of the subject; Jefferson proclaiming the principle to the world was the absolute realization of the liberty of the citizen. John Hampden and Algernon Sidney should have seen that day in July.

The war of the revolution was the unconscious date of a better liberty for man, for it became the revolt against tyranny for all mankind. After the avowal of self-government it was necessary that the history of dynasties should give way before the history of peoples. The divine right of man must weigh in the balance against the divine right of kings. It gave an im-

pulse to the French revolution of 1789, of 1830 and 1848, until a republic was established on the ruins of a personal government under the Napoleonic dynasty. A century has witnessed a Cortes in Spain, a Corps Legislatif in France, a Reichsrath in Austria, a Riksdag in Denmark and Sweden, and a Parliament of Peers and Deputies in Prussia. The Emperor Francis Joseph astonished those of his subjects who saw Hungarian patriots in 1849 sent to the scaffold for rebelling against the despotism of the house of Hapsburg, when he declared to the bishops that he was a constitutional ruler and not an absolute monarch. The tidal wave of progress will sweep onward from the impetus of the Declaration. The abolition of serfdom in Russia must be followed by participation in governmental affairs. The disestablishment of the Irish church must be followed by the disestablishment of the English church. The extension of household suffrage in England must be followed by the extension of household suffrage in Ireland. The Declaration of American Independence was the John the Baptist of civil and religious privileges. It must always exert an influence until all men shall have that liberty which, indeed, makes all men free. The rays that first play upon the mountain summit will soon reach the mists of the valley, and then the meadows and orchards and fields will rejoice in the full sunlight of universal liberty.

The fathers, in establishing a form of government, defined the national authority most strictly, the relation of states to each other and to the general government, and indicated their rights by setting forth just what powers had been surrendered and just what powers had been retained. Thus was a government

formed which for simplicity and self motion can only be compared to the solar system with its central sun and around it the sister planets, large and small, each and all separate and moving in separate orbs, but all one under that authority which is common to all, and in delegated authority superior to all. The constitution has been well compared to those wonderful rocking stones of the Druids, which are so admirably balanced that even the finger of a child can move them to their very center and yet which the force of a giant cannot overthrow. With the wide diversity of interests, with the broad extent of territory, the strife of party and faction seems to sometimes threaten the very existence of the nation itself, and yet it has withstood the assaults of armies and the greatest revolution in the world's history. It is true, also, that we vary in our physical condition as states, in climate and soil and production.

We vary, also, in our temperaments and in our tastes, but when joined together compose a beautiful mosaic—beautiful not only in its varied parts, but in the perfection of their harmonious adjustment. In this wonderful adaptability, in this reciprocal power consists our greatness. We are a nation within ourselves, possessing all the elements of progress and civilization. The sovereignty of the people is a conceded axiom, and the laws, established on that basis, are cherished with faithful patriotism. The nation has passed from its youth to its manhood. The last great trial proved that the Republic was strong enough to endure the shock of civil war, to equip great armies, to submit for years to the supremacy of military over civil authority, and yet return to the old ways of self-government and representative rule. We have given the word

Republic an interpretation which it never received in the so-called Republics of Greece and Rome, of Venice and Holland, of Italy and Switzerland. After a trial of one hundred years, American Republicanism has demonstrated its superiority over all other forms of government that have ever existed whether imperial, regal, oligarchic or democratic. Webster, the ablest expounder, declares: "The constitution is the great wonder of modern times, and the certain wonder of all future times. It is fashioned according to no existing model, likened to no precedent, and founded on principles that lie at the foundation of all free governments." We are a great people in the conscious possession of powers and obligations on which depend the highest issues in the history of humanity.

The men who signed the Declaration all sleep their long and honored sleep under the soil which they defended. Their years passed away as fades a day of summer into the stillness of night, full of beautiful retrospection in which arose picture after picture of national splendor. The voice of Captain John Hopkins, who first read the Declaration to the people, has long since been silenced, but the truths which he proclaimed ring throughout the land. The work which they accomplished will long survive them, for they built upon the sure foundation of liberty and the rights of man. They contended for equality against privilege; for democracy against aristocracy; for the right of representation and self-government. They were prompt to maintain their rights in the spirit of the old English commonwealth. "In what book," said one to Selden, "do you find the authority to resist tyranny by force;" and the great lawyer of that day answered: "It is the custom of England, and the custom of Eng-

land is the law of the land." The colonies had neither support nor sympathy, nor representation in any department of government. While they were petitioning for a redress of grievances, war was precipitated upon them by the British government to compel subjugation. The men who assembled on the Fourth of July, 1776, to make a cause and create a country, have been judged by the great tribunal of mankind. They accepted, when necessary, the arbitrament of battle. One of the writers declared, as early as the third century, that all men are born to liberty, but it remained for the fathers to declare that all men are born equal. In the largest measure, the work of these men has fulfilled its object, and the judgment and far-seeing wisdom with which all difficulties were met and overcome challenge our admiration more and more as the years advance and the Republic extends. It may well be said of the signers, as the great Earl of Chatham said of the barons who wrested the writ of personal liberty from King John: "It is to your ancestors, to the English barons, that we are indebted for the laws and constitution which we possess." Their understanding was as little polished as their manners, but they had hearts to distinguish between right and wrong; they had heads to distinguish truth from falsehood; they understood the rights of humanity and had the spirit to maintain them. To have established these free institutions, to have maintained them through the trial of battle constitute the greatest claim that any body of men in history have upon the gratitude of posterity. The halo of glory encircling the signers will brighten in the retrospect of grateful generations. Their praise will be heard in the capitals of states whose stars are yet to rise into the crowded galaxy of our flag. As we speak of them

to-day we should not forget those British statesmen, the eloquent Chatham and Barre and Edmund Burke, who contended so fearlessly for the principles of civil liberty, nor the revolution of 1688. Indeed, we might call the long and illustrious roll of the patriots of all ages; the heroes and statesmen; the young and brave and beautiful; who either on the field of battle, or shut out from human sympathy, gave their lives to God and country in the slow agony of prison martyrdom. This day is sacred to the cause of liberty and belongs as well to them.

It was the right inherent in the people to determine their system of government which prompted the fathers to declare that these colonies should be free and independent states. It was that which brought to us in our early struggle for independence the sympathy of the cultivated scholarship and liberal philosophy of the age. It was that which enlisted the support of the oldest aristocracy of France, in the person of La Fayette, the proudest nobility of Poland through Kosciusko, the bravest hearts of Germany through Baron Steuben. It was the glories of this free representative system which called forth the eulogy of Guizot, the great French historian. It was this which caused the Junta at Madrid to sweep away the tradition of centuries, and inaugurating the era of a better civilization for Spain to declare for "the liberty of worship, liberty of instruction, liberty of reunion and peaceful association; the liberty of publication without special legislation; the decentralization of administration that shall devolve authority to the municipalities and the province; judgment by jury in criminal affairs; and unity of power in all the branches of administrative justice." It is the will of the people not territorial do-

main, the right of self-government, not the assumed right to govern others, a constitution which secures the greatest liberty consistent with the greatest good; the right of conscience, the freedom of speech and of the press; the right of trial by jury and the protection of life and property which constitute a great people. Territorial boundaries and geographical limits are subject alike to the condition of policy and convenience, but the enjoyment of liberty and constitutional freedom should be held as a sacred trust to be bequeathed to those who shall come in the generations of the future. It was not in a monarchy based upon the idea of a government by Divine Right, but in a Republic governed by the people, that a million of men were willing to give themselves to their country. It was Republican France that withstood all Europe and remained invincible until Napoleon had established an Empire on the ruins of the Republic. It was Republican Switzerland that successfully defended her mountains against the aggressions of Charles the Bold and the House of Austria. The Communes which diffused the genius of Italian civilization before the days of Rome were Republics, composed of the heads of families. The period of Rome's true greatness was Republican. The Empire came late, but only came to usurp, and dismember.

The Declaration of Independence was not more the proclamation of emancipation for the oppressed colonies, than for the oppressed everywhere. It established as the canon of its primogeniture that humanity was its first born. Slavery was antagonistic to the very spirit of the Declaration as well as to the civilization of the age. It was founded in the habits and ideas of feudalism. It could no longer live in the nineteenth

century. It should not have lived in the eighteenth century. It warred with the very idea of the Declaration itself. The hand on the dial plate of progress could not go backward. Its destruction, therefore, terminated a sectional strife that never would have ended in its existence, for no man nor class of men can claim greater privileges than can be granted to all without endangering the peace of society. Human servitude dishonored the nation so that its destruction was not more the resurrection of liberty to the bondman than the resurrection of honor to America. We read the Declaration to-day in the open sunlight, for all men are indeed free. The philanthropist no longer hangs his head in shame, while the shackles bind four millions of human beings in more than Russian serfdom, for America boasts of a higher and better civilization than Russia. It is a source of national congratulation on this anniversary that the word "serf" has lost itself in the term "citizen," that the freedman has become the freeman. The social status of an entire people has been changed. Humanity must henceforth be the oracle and law-giver of great peoples. The Proclamation of Emancipation was the political act of the century. It was less than the Declaration in that it only gave freedom to a race; it was greater than the Declaration in that it gave deliverance from a worse bondage. Heaven has no heraldry. Those names are remembered most in history that most benefit mankind; those deeds are remembered most in history that most bless humanity. It is written of Demetrius that he was buried amidst the tears and lamentations of an entire people because he gave liberty to Sicily and restored her ancient privileges. The Proclamation of Emancipation appealed to the considerate judgment

of the country, and the gracious favor of the Almighty. Because of that act there is to-day a new Mount Vernon in the prairies of the West. We can already read the verdict of posterity in the epitaph of Jefferson, which speaks of him not as president of the United States, but that he wrote the Declaration of American Independence, which proclaimed the equality of man for a nation; that he was the founder of the University of Virginia, which gave education to a state, and that he was the author of the statutes which gave religious freedom to Virginia.

The sublime moment of the Republic, in the review of the century, was the awakening of the people to the danger of disunion. The assault on Sumter was the Day of Pentecost for the nation. It developed a patriotism which astonished the monarchies of Europe where military duty is compulsory. It was the volunteer and not the conscript system that organized our armies. It has made war impossible at home and has given us dignity and consideration abroad. It accomplished more for the results of the Geneva arbitration than all the law and all the diplomacy of the commission. The trial of war developed the resources of the nation. When the struggle commenced we had been at peace so long that there had been no manifestation of popular patriotism for two generations. The war of 1812 had long become a part of our history, and almost half a century had passed since the thunders of Perry's guns were heard over the waters of yonder Lake Erie. We had a war with Mexico, but there was no appeal to the national strength and no draft of moment on the national resources. At the call to arms, the sledge slept noiseless on the anvil, the shuttle forgot its cunning, the plane lay idle on the work bench

and the plow rested in the half-started furrow. Fidelity to principle pervaded the masses, heroism greater than that of chivalry burst into action from all classes of men. Battalions sprung up in a night from spontaneous patriotism. Youth and genius freely offered themselves for the public welfare. Even the natives of other lands forgot their kindred and memories of home, and without even the formality of citizenship, enlisted under the standard. The people were equal to every emergency. Defeat in the field was not followed by discouragement at home; it only aroused to more vigorous action. When the war closed there was an army in the field of more than half a million of men. They had been constant in labor, devoted in patriotism, ardent in action, generous in victory and unfaltering in death. We have earned in blood the right of self-government. The government, after the terrible ordeal of civil war, is safe in the confidence and affections of the people. Her iron will generally builds up a despotism on the ruins of war; the people here at once directed public affairs; the civil took the place of military power; the will of the people became the law of the land. There is no parallel in all history. The national danger became the national triumph. It is the crowning glory of the nineteenth century. It was a consecration to country that manifested an abiding affection for free institutions. Hereafter when one greater than Gibbon and more eloquent than Macauley shall write the history of the American Republic, the patriotism of the people will be the brightest pages. The glory belongs to all. It was not the officer alone complimented in general orders and heralded in the public press that saved the nation. It was the private soldier

as well, with musket and knapsack; it was the kindly effort of mother and wife and sister—all encouraged by the prayer of good men and good women, and sustained by the omnipotent arm of the God of battle.

The war was decisive of a political problem that had engrossed public attention from the very origin of the government. Peaceable separation was considered a possibility in our system.

The teachings of some of the earlier statesmen of the power of the state to dissolve its relation with the general government is no longer a question of party discussion. The political logician may hereafter reason of the obligation of the written law, but the people will regard the constitution as the sacred covenant of a perpetual union. Henceforth the constitution of the United States and the laws made in pursuance of that instrument will be recognized as the supreme law of the land. The character of our nation, both at home and abroad, stands higher than ever before for its military and naval prowess and for its ability to maintain itself against civil commotion and internal disorder. There is neither danger abroad or fear of anarchy at home. It has been decreed by the bayonet and written in blood that the unity of the Republic must be maintained. We are stronger to-day in territorial unity, because of the graves which fill the valleys of Virginia and billow the basin of the Mississippi. The American citizen may well have an abiding faith in his country's strength and his country's future. The patriotism of the people will secure the constitution from the assaults of faction and from the inroads of bigotry. Now that the national greatness and stability are guaranteed, it will be the duty of all to defend the freedom and individuality of the citizen from the ag-

gression of power and to prevent corruption in high places. The wisdom of the statesman can now be employed in directing the industry of the people to the advancement of the public good. The nation must move forward in the pursuit of peace. The future lies in that direction. Every conquest of value is at the price of popular commotion and heroic blood. Men must dare if they would win. Every battlefield has, however, above the roar of cannon and the crash of musketry, a flag, which is the symbol of an idea. That idea is often mightier than the army itself for it disbands armies. One of America's most eloquent orators has said: "Every step in the world's onward progress has been from scaffold to scaffold and from stake to stake. We only need to read history. We find in all its pages the story of more lives sacrificed by the lingering dungeon; by wearing famine and disease; by the short, sharp agony of rope, or scaffold, or stake; living true to liberty; suffering willingly in its behalf; dying, sealing their testimony with their blood." It is the law of all physical life. The atmosphere, for its own purity, requires the electricity, and the ocean the agitation of its waters. Otis and Henry and Adams pleaded with a price set upon their heads, while they cleared a space for the sunshine and growth of enlarged liberty. John Hampden gave his life for legal justice, and it was necessary that Algernon Sidney should consecrate himself to his country. The beginning of the nation could only be established by a long struggle; by the example of severe fortune; by the sacrifice of blood; by the increasing avowal of truth, and by that never-failing enthusiasm which is stronger than any misfortune. It could only be maintained by the tears of women and the blood of brave

men. Governments cannot be improvised; they are a growth not a creation. They must spring from the very heart of the people—from the history, the education, the social organization of the people, the habits and tendencies of the country. The people must feel the moral duties of citizenship; they must not be passive subjects so much as participating citizens. The late war was a people's war and was sanctified by a national purpose. The cause for which they fought was their cause; the reward of victory was their reward; the effort to obtain it was their effort. For that reason it excited to an inspired life and an exalted patriotism all those capacities for struggles and for sacrifices which are so easily kindled in the breasts of a people who love their institutions and who value their liberty. They felt a consciousness that the country was their name, their glory, their sign among the peoples and nations of the earth. That sentiment welcomes death and disease, if necessary, and when inscribed on the banner of an army is stronger than bayonets. There is something so self-sacrificing in forgetting all for country. What grander picture in the classics than when Agamemnon, on regaining his home after a perilous life of more than ten years at the siege of Troy, before addressing his family, his friends, his people, should first salute his country!

A great historian, in speaking of the spirit of our laws, says: "Prosperity follows the execution of even justice; invention is quickened by the freedom of competition, and labor rewarded with sure and unexampled return. Domestic peace is maintained without the aid of standing armies, while a gallant navy protects our commerce, which spreads its banners on every sea and extends its enterprise to every clime. Our diplomatic

relations connect us in terms of equality and honest friendship with the chief powers of the world, while we avoid entangling participation in their passions, their intrigues and their wars. The national resources are developed by an earnest culture of the arts of peace. The government by its organization is necessarily identified with the interests of the people and relies exclusively on their attachment for its durability and its support. Religion, neither persecuted nor paid by the state, is sustained by the regard for public morals, and the conviction of an enlightened faith. An immense number of emigrants, of the most various lineage, is perpetually crowding to our shores, and the principle of liberty, uniting all interests by the operation of equal laws, blends the discordant elements into the harmonious union of a common citizenship."

We find already in the centennial year of the Republic that our history has become the history of great achievements; that our civilization has become the civilization of centuries comprehended in one century. It is the garnered wisdom of the past embodied in the present. Indeed, there is no past with this people. The nation belongs to the present and the future. It is not of yesterday, but of to-day and to-morrow. We have great names in science, in art and in literature. We have great names in statesmanship and war. We have marshalled a million of men in the battlefield and heard their shouts as from east and west they passed onward to the ranks of war. The armies were picked up on the banks of the Ohio and Cumberland, and dropped on the banks of the Potomac. The sentiment, too, of an entire people has changed from shame to honor on the question of human servitude. We have made rapid advance in every department of human

industry. Our philosophy and our laws influence the ends of the habitable globe. The sails of our merchantmen whiten every sea. The masts of our commerce are seen in the waters of every ocean. Our ironclads are received with salvos in every port of the world. The general of our armies has the entree to every court of the continent and even the Sultan of Turkey accords him royal honor. We ask for an indemnity on the high seas and the nations of the earth take counsel together. We have given a Morse to the world, by whose inventive genius the currents of human thought are borne by the electric telegraph from one continent to another, telling the story of revolution and revolts, of empires overthrown and dynasties established, of declaration of war and treaties of peace and of great statesmen fallen in death. We have given a Hoe to civilization, whose press is only second in influence to the art of printing itself. Forests have been cleared to open a productive soil to the genial influences of the sunlight. The sound of the woodman's axe is being heard less distinctly eastward. The smoke of the cabin is lost in the smoke of the foundry. Cities are springing up and churches and schoolhouses are dotting every hill side. The soil, which has been gathering fertility from the repose of centuries and which has been lavishing its strength in magnificent but useless vegetation, is now budding and blossoming as the rose under the direction of an intelligent husbandry. The feeble settlements on the bays and inlets of the Atlantic have extended into a continent until we have carried our name, our watchwords and our flag to the Golden Gate, where California, with her snow-capped diadem, sits virgin empress of the seas. We look with confidence to the future. With

a line of railway binding the Atlantic and Pacific together, and making the American continent the great highway of communication from England to China, with our commerce on every sea, with our immense agricultural resources, with our fertility of soil and variety of climate, with the intelligence and energy of this people, who can estimate that which is beyond? Standing here to-day in this presence, with all the traditions of the past, with all the progress of the present and all the promises of the future, it does not require the spirit of prophecy to predict a great civilization for this people. Surely the emblem of our nationality is the symbol of power and glory from the rising to the setting of the sun. We have shown for the first time in all history that men may love their country without intolerance, may fight her battles without hate and may be conqueror without revenge. The centennial year should be the era of pacification and reconciliation so that the nation may move forward as with the majesty of a new life. The interests of forty millions of people, as well as the interests of generations in the future demand unity and peace for the Republic. A restoration of lost confidence, a restoration of the commercial and social relations of the past, can alone reconstruct this country until over the grave of sectionalism shall float the flag of a united and happy people. The south has the glory as well as the name of colonial and revolutionary scenes for an inheritance. Her limits contain the dust of Washington and Henry and Jackson. A nation pays tribute at the grave of her great dead, her Mount Vernon and her Hermitage. Her Jefferson gave us the Declaration, while the soil is sanctified by the battlefields of the Revolution, and hallowed by the heroism which endured sacrifice and

suffering. The nation cannot afford to be unjust. England was taught this lesson when O'Connell declared for Catholic emancipation and for relieving the people of Ireland from clerical oppression; and in her earlier years when, after the restoration of Charles II. and his liberal proclamation, all the animosities of the late civil war were forgotten in the embrace of the Cavalier and the Roundhead. It is the teaching of history and philosophy, as Edmund Burke well declared it, that by considering one fellow-citizen in a hostile light the whole body of our countrymen become less dear to us. In generous remembrance of our common country, neither now nor hereafter should we distinguish between states or sections in our wish for the happiness of all. It is the duty of the state to make a nation strong in justice, strong in right, strong in all that which constitutes moral greatness. Righteousness can alone exalt the nation.

The retrospect is full of congratulation. There is something in American citizenship that awakens a just pride in the very name of country. In this material prosperity, however, lies the danger. We want the fellowship of the good and strong and stalwart in every part of the land against the new forms of aristocracy which the agencies of modern society have created. We must protect freedom itself from the perilous activities quickened into life by its own spirit. We must discover new defenses of democracy in the new trials of its life. The true religion of humanity is the uplifting of the many to the higher level of advanced citizenship. We should not forget the claims of country. There is need of high statesmanship, and statesmanship, in its best sense, consists in the wise and timely use of opportunities. The country can well lay

claim to our noblest zeal and our warmest affection. What higher mission can there be than to apply to society the three great doctrines of peace and liberty and justice, to teach that patriotism which means love of country, and prepare the mind to study the best path of conduct toward that country? What higher mission than to found a new order of things on the ruins of the old, with permanence and stability? To meet with constancy the reflex of the wave, to continue the prosecution of old tastes and habits and institutions wherein the greater part of government unity consists with the changes called forth by the times; to renew and yet to conserve; to oppose, to watch, to foil, to defeat the intrigues of disappointed friends and the cabals of concealed enemies; to raise from the mingled and incoherent elements of a revolution a great social and political temple dedicated to the liberty of man; these are the tasks of statesmanship. The national idea that a man has a right to life, liberty and the pursuit of happiness, can be found in all the poetry of the world. It remains for this day and this generation to see this great principle written in blood on the leaves of national life. It remains for this day and this generation to see to it that this great principle is not forgotten in the so-called magnificent utilities of American life. If we neglect this duty then all the graves of the war are in vain. It is said that the nation found a grandeur by war, in that it linked young life to new opportunities, purer self-devotion, more heroic endings. It must retain these things in peace. If men can afford to die for their country, men can afford to live for their country. In the century of our history there has been nothing better written to develop that spirit than the little volume by Edward

Everett Hale, entitled "A Man Without a Country." It teaches that after all there is something in the idea of home. It tells us that Philip Nolan, lieutenant in the navy of the United States, wished for an epitaph after knowing what it was to want a country, these words: "Here lies one who loved his country more than any man loved her, but who deserved less at her hands." There are many things in life dearer even than life itself. Honor in the noblest sense, patriotism, duty, all are dearer. We must be faithful to all these to maintain free institutions.

The partisan will not hesitate to picture the calamities which must befall the country in the success of either of the political organizations of the land. There is a sentiment, fortunately, higher than party which will not let the nation die. It will not be permitted that the sun of our national prosperity should go down while it is yet day. The nation was born for the whole era of freedom. If we of to-day hesitate, then new men will come up with nobler principles than their ancestors. There shall be no rent or seam of this one garment of liberty. The world shall see that this government, made and sustained by free men, both within and without, is competent to all the duties of administration. The nations of the earth, too, that are now under bondage and looking for a better life, may turn and follow the example until all shall be redeemed and disenthralled by the very spirit of our free institutions. The duties of all sections are vitally blended. The returning anniversary should welcome a greater, a happier, and a more prosperous people. We are one in language, in blood, and one in a common struggle for independence. We sing the same national songs.

The glory of Lexington and Concord, of Lundy's Lane and New Orleans, of Monterey and Buena Vista, belongs to all alike. To-day without hatred, without bitterness, without passion, but in the spirit of a generous magnanimity we renew our devotion to country. We renew the memory of those who established this government, nor can we forget those who have preserved it through the trial of battle. The names of all may not live upon the pages of history, but the story of their sacrifice and their patriotism will long be cherished in the recollections of a grateful people. Some fell gloriously on the field of battle; some perished by the wayside worn and weary by the laborious march; some wasted away with wounds and disease in the camp or hospital; some lingered in the slow death of prison martyrdom. The gray-haired veteran and the stripling in the flower of youth, who had stood side by side through those dreadful years, fell together at last, "like the beauty of Israel in the high places." If we forget those who died for us, if we forget those who sleep quietly in distant fields, then God may forget us. We promise to-day a like devotion on the part of the living. There is a tradition that, as Columbus sailed toward that country which he afterwards gave to Castile and Leon, a piece of carved wood came floating by in the water, while birds of the most beautiful plumage alighted upon the masts of his vessel. It was an omen of the discovery of a continent. We enter the second century of the Republic with omens about us such as never gladdened the eyes of the great discoverer. With an abiding confidence that He who helped us in the beginning will not desert us in the hour of need, we go forward to realize the glorious vision of the

fathers, of a continent rejoicing in all its latitudes and from sea to sea in the very fullness of material prosperity and in the enjoyment of civil and religious privileges.

SCHOLARSHIP AND COUNTRY

Aeschylus tells us that Agamemnon, on returning home, after a perilous absence of more than ten years at the siege of Troy, before addressing his friends, his people, or even his family, saluted his country. In accepting the courtesies of this occasion I have thought it not inappropriate, even in these beautiful and classic grounds, to address a Fraternity which comprehends so much culture and learning, upon the claims of country on the scholarship of the land. I do not mean that the Iliad of Homer, or the Aeneid of Virgil, or the history of Herodotus, should form a part of our parliamentary debates, nor that even our statesmanship should reason in public assembly of units and tens, of triangles and rectangles, of ellipses and parabolas.

It is rather the scholarship that amplifies the mind, that enriches the memory, that expands the faculties of thought, that enlarges the understanding, that improves the intellectual powers, to the end that public sentiment may be enlightened, that public character may be ennobled, that a higher sense of duty may be awakened, and that there may be on the part of the people a better consciousness of the arts and maxims indicative of their glory.

In every free state there must be an educated public opinion to give form to law, and then a faithful ad-

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Delivered before the Delta Kappa Epsilon Fraternity, at the Thirtieth Annual Convention, Williams College, Massachusetts, October 5, 1876.

herence to a written constitution becomes the only guarantee of public safety. That which awakens in a people a knowledge of individual rights and which inspires a sentiment of national life is most important in the organization of governments. Epictetus truthfully told his sovereign that he would confer a greater favor on the state by elevating the souls of the people than by raising the roofs of their houses. There is an opinion, very largely shared, that an antagonism exists between culture and practical success, and that learning, in its best sense, is inconsistent with the conduct of public affairs. It is assumed to-day, by even a majority, that in a Republic which is controlled by great moral principles, scholarship is absolutely a disqualification for the discharge of important public trusts, or, at least, the other opinion prevails that public life is unworthy the ambition of culture and elevated literary taste.

Political life is exhibited to the scholarship of the land in its most repulsive form, like the drunken Helot to the youths of Sparta as a warning and example. Young men may pass through our schools and colleges with but little knowledge of their duty to society and country, and there even may be some truth in the observation of William Hazlitt in his *Table Talk,* that anyone who has passed through the regular gradation of a college education and is not made a fool thereby, may consider himself as having had a narrow escape.

If they are unsuccessful with this preparation, they could not hope for preferment without a familiarity with Calculus or a knowledge of the Tusculan Disputations. Cultivation does not impoverish. Pedantry may be almost as objectionable as ignorance.

It is not assumed that every graduate leaves college

like Minerva, from the brain of Jupiter, completely armed for every emergency, and that the academy is a Trojan horse, whence go forth none but real men; but the lessons of history do teach that there can be no dignity or permanence in free government unless the best knowledge and the highest culture shall influence the public mind. In order to advance important public interests, care must be taken to understand the very origin and nature of the laws themselves, political as well as moral, that govern and direct human happiness.

It is the scholar as the representative of thought; it is the scholar as the inspiration of freedom; it is scholarship as the conscience of the state. It matters not whether this thought comes of the laws and letters of Cicero, or the art of Angelo, or the metaphysics of Pascal, or the philosophy of John Stuart Mill so much as whether it shall shed a sacred and permanent influence over the present and future of a nation's history. The fine scholarship of poetic Petrarch, although his father cast into the flames the poetical library of his son amid his protestations and tears, did not deprive him of the Roman laurel. It was the scholarship of John Milton which made him love liberty not less than letters, and who wished to leave something to after ages so written that they would not willingly let his name die. It was the scholarship of Lamartine which was powerful enough and patriotic enough to save France from the calamities of civil war. It was the scholarship of the younger Adams which made him the greatest citizen of a great commonwealth. It was the scholarship of Charles Sumner which proved him to be braver than any politician in New England on the question of human servitude.

In the *Political Ethics* of Francis Leiber, it is writ-

ten: "We can in politics as little dispense with ambition, as in the arts, science or literature in the school, the home, or the various avocations of practical life. For if ambition in those gifted citizens who, by their peculiar mental organization are fitted for officers or as leaders, is extinguished, either by disgust at a degenerate state of things or their own haughtiness, and if it be not properly kindled in the rising generation by directing their attention to the noblest examples of civic worth in the history of this country or that of other great nations, one of the greatest and most ruinous evils of a state must necessarily befall it—that of political apathy or indifferentism, which always foments political demoralization as it partly arises from it, until it extinguishes all public spirit and patriotism."

If the best, the well informed, the honest, do not strive for the honors of the commonwealth, the wicked, ignorant, or dishonest will; if all matters of political distinction, be it by way of parliamentary honor, distinction of high office, on the bench, or in whatever other manner, be disregarded or derided, matters of justice and politics themselves soon will be treated so too. If the substantial citizens become indifferent and do not vote, perhaps too proud to mingle in the crowd or to exercise so high a privilege of liberty at the expense of some personal inconvenience, as they ought, others will do the same, and the *faex infima populi*, when such have a right of voting, will infallibly be at the polls. Indifferentism in politics will issue in political atony, dissolution of the political ties, and, of course, in the death of justice and liberty; an awful state of things, out of which convulsive revolutions

alone, accompanied with suffering and violence, can develop a new order.

There can be no higher mission for a genuine scholarship than to awaken the public conscience to the advancement of the public good. Scholarship can have no higher object than the maintenance of the principle of civil liberty, which, after all, is the very condition of its growth. There can be no intellectual life without freedom. There can be no moral life without liberty. There can be no political development without unrestricted thought. It was Vulpian who declared as early as the third century that all men are born to liberty. It remained for the fathers to declare that all men are born equal. They were prompt to maintain freedom in the spirit of the old English Commonwealth. "In what book," said one to Selden, "do you find authority to resist tyranny by force?" and the greatest lawyer of his day answered: "It is the custom of England, and the custom of England is the law of the land." This is the spirit, as well, of genuine scholarship. The halo of glory encircling the signers will brighten in the retrospect of grateful generations. Their praise will be heard in the capitals of states whose stars are yet to rise in the crowded galaxy of the flag. It is this reward which will come to the present if this principle is maintained for the generations of the future.

The declaration upon which our institutions are founded was the John the Baptist of civil and religious privileges. It is established as the canon of its primogeniture that humanity was its first-born. It was the unconscious date of a better liberty for man. It became the revolt against oppression for all mankind.

This distinctive avowal of self-government has made it necessary for the history of dynasties to give way before the history of peoples. The divine right of man must weigh in the balance against the divine right of kings. The abolition of serfdom must be followed by participation in governmental affairs. The disestablishment of the Irish church must be followed by disestablishment of the English church. The extension of household suffrage in England must be followed by the extension of household suffrage in Ireland. It is the duty of the liberal scholarship of the age to enforce this principle from center to every circumference. Civil liberty, which means freedom from political or religious intolerance, has no horizon but humanity. Citizenship in the Republic of Letters has no geography. The power of scholarship is in its universality. It has not been geometricians but scholar and thinker who have formed constitutions from the time of Solon to Thomas Jefferson. Books are nothing, and libraries are nothing without this principle as the basis of political life. Literature, in its absence, could as well retire with the ecclesiastics to the monasteries of the middle ages. Scholarship is the rays of the morning sun which first play upon the mountain summit until it descends to the mists of the valley, where meadows and orchards and homes all rejoice in the full sunlight of universal freedom.

There is something in American citizenship that awakens a just pride in the very name of country. We have given the word Republic an interpretation which it never received in the Republics of Greece and Rome, of Venice and Holland, of Italy and Switzerland.

It has been demonstrated in the Centennial year that the democratic idea in our system of government has

manifested its superiority over all other forms of government, whether imperial, regal, oligarchic or democratic. We are a people great in the conscious possession of power and obligations, on which depend the highest issues of humanity. We have shown for the first time in history that men may love their country without intolerance; that men may fight the battles of their country without hate, and that men may be conquerors without revenge.

"Next to the grandeur of a planet that carries a thousand millions of people upon its bosom and whirls them along through day and night, and summer and winter, and youth and old age, comes the grandeur of a well-equipped state, which for hundreds of years guards the liberty and industry, and education, and happiness of its dependent millions, crowding its influence in upon them gently as the atmosphere lies upon the cheek in June. Her language, her peculiar genius, her ideals, her religion, her freedom, enwrap us better than our mothers' arms; for the state enwraps her too, and wreathes her forehead with a merit that warrants her office and her affection." is the language of a modern writer.

Country comprehends everything—property, home, happiness, and even life itself. The beautiful genius of Cicero describes country as embracing all the charities of all.

Governments can not be improvised, they are a growth, not a creation. They must spring from the very heart of the people– from their tendencies, their belief, their education. The people must feel the moral duties of citizenship; they must be more than passive subjects; they must be participating citizens. No one is justified in holding aloof from proper activity.

There was no little wisdom in the decree of Solon that no one should remain neutral in the time of public danger. The time of public danger is omnipresent. The people must always realize that the country is their name, their glory, their sign among the nations of the earth. Every citizen should find for himself the very reasons upon which our institutions and our laws are founded. The highest idea that man can cherish being that of right, it follows that the most important education is that which teaches him to determine the right. Intolerance comes of egotism; liberty comes of right. The potency of scholarship is in public opinion. Public opinion penetrates the mighty mass of human action. It shapes the whole course of public events. It is the condensation of all the thought of the community upon the subject. It is an epitome revered of all people. It is the voice of the pen, the pulpit, the study, the bar, the forum. All these enter in to make the great power by which all human affairs are determined, just as every raindrop and every dewdrop and every misty exhalation which reflects the rainbow contributes to swell the mountain stream or the ocean flood. Scholarship should create and not follow public opinion. The classics used to call all the studies of scholars, history, poetry, eloquence, music, the humanities, because they brought no tears, no wars, no bloodshed, but went out pure to the human heart, and conquered in the name of pleasure and of peace. Montesquieu breathes the pure spirit of the scholar when he says: "Could I but succeed so as to afford new reasons to every man to love his Prince, his country, his laws; new reason to render him more sensible in every nation and government of the bless-

ings he enjoys, I should think myself the most happy of mortals.

"Could I but succeed so as to persuade those who command to increase their knowledge in what they might prescribe; and to those who obey, to find a new pleasure resulting from obedience, I should think myself the most happy of mortals.

"The most happy of mortals should I think myself could I but contribute to make mankind recover from these prejudices. By prejudice, I here mean, not that which renders men ignorant of some particular things, but whatever renders them ignorant of themselves."

The interests of states require, for their promotion and adjustment, the most profound judgment and the most mature thought. Guizot says, that "God has made the terms of national welfare more difficult than any nation is willing to believe." Cicero says, that "the state should be so founded as that it may be eternal;" while Aristotle, to the same effect, declares, that "the life of the state is forever and the same, although its masses are ever in the act of being born and dying." The best thought should always be directed toward the greatest good. Learning is patriotism because it not only enables the citizen to demand what is due to himself, but makes him concede what is due to others. It lifts him up to a proper appreciation of rights and obligations. Liberty and learning have always contended together against despotism and wrong. The scholars have always been the herald of popular rights, like John Hampden against the tax act; the defenders of the people's liberties, like Algernon Sidney, dying on the field of battle; the founder of the people's institutions, like Samuel Adams. The idea of public order to be effective must be invested with a great

majesty. Constitutions are not respected unless a high sentiment of veneration is inspired for the law as expressed in the written form. If good men do not go to the councils of the people, then bad men will direct public affairs. Public clamor may be mistaken for an enlightened public opinion, and a measure destructive of great interests may be enacted. It is said that the English corn laws retarded the progress of mankind in England for thirty years more than all the wars of Napoleon.

Citizenship is something only when country is something. Scholarship cannot afford to assume a dignity greater than the nation. Scholarship cannot afford to wait to be invited to public life; it must go from a grander impulse than self. It should not reserve itself for the more stately occasions which are periodical, nor should it act alone in the more critical emergencies of society which are but temporary. Cincinnatus left his plow and only returned when he had rendered full service to his country. Nothing is unworthy of the best thought in science, or literature, or law, which may contribute in any way to the welfare of man and the safety of the Republic. When the politician was silent, and the press muffled, and even the pulpit held its tongue, the scholar of Massachusetts was eloquent over the barbarism of slavery. It would be a calamity, hardly less terrible in its consequences than civil war itself, if the men of letters should, voluntarily or involuntarily, be divorced from all active sympathy with their political and social institutions. The aim of all generous scholarship should be toward creating and keeping alive a sound public opinion upon all subjects of morality, philosophy, of science and politics. In a Republic where the whole people legislate and public

sentiment is the supreme law, the intellectual and moral culture of the nation should be elevated to a right conception of justice. It was written in one of the old Egyptian temples, "Know ye that govern that God hates injustice." "There is but one means to render a government firm, and that is by justice," said Carnot, when the question was debated whether the imperial crown should be offered to Napoleon in order to render the government stable. The great dramatist says:

> "Corruption wins not more than honesty;
> Still in thy right hand carry gentle peace,
> To silence envious tongues. Be just and fear not;
> Let all the ends thou aimest at, be thy country's,
> Thy God's, and truth's,"

It is not necessary that the scholar should become minister, or secretary, or senator, to exercise a lasting influence on the legislation of the land. Men of secluded and studious lives have often sent from cloister and closet thoughts that have agitated courts and revolutionized kingdoms. Vattel, in his study, gave law to the nations, and Adam Smith, in the quiet of the library, founded the science of political economy. John Milton, in blindness and in prison, sang immortal strains which, vast, waveless and irresistible, flow toward their far off ocean. Wilberforce and Buxton, whose praises are yet heard in the lowly whom they lifted up, were scholars as renowned in the lecture room as in parliament. Indeed, the men of England whose names are greatest in statesmanship are men whose names are great in learning, and many of them, in earlier days, carried away the prizes of Eton and Oxford and Cambridge.

The liberal thought of Europe has been greatly stimulated by the scholars and students of the universities who had gathered inspiration from the burning lines of Homer, and the blazing orations of Demosthenes, as well as from the glowing pages of Livy and the lofty periods of Cicero. They had the very spirit of the Spartans, who went to battle to return either with or on their shields. It was the scholarship of New England in the matchless rhetoric of Sumner and Phillips, and in the stirring lyrics of Longfellow and Whittier, that changed the opinion of an entire people from shame to honor and awakened the public conscience to the beautiful sentiment of Plato in the Eleventh Book of his Dialogues: "May I, being of sound mind, do unto others as I would that they should do to me."

Scholarship, to be effective, must be aggressive. It must be Jerome of Prague, with a consciousness of truth and right, nailing his twelve theses to the door of the church at Heidelberg, and challenging the whole world to dispute them. To think is to revolutionize. Thought creates a wide discontent and a better endeavor. What encourages young men to criticise the laws and institutions of their country does shake them in the infallibility of the fathers. It is, beyond doubt, that the teachings of the early philosophers produced this effect. Xenophon tells us that the youth of rich families who followed Socrates did so against the severe disapprobation of their friends and relatives. In every society there is a sentiment, suspicious and jealous of all freedom of thought and intellectual rule, unless it can be regulated by some civil or ecclesiastical authority. This persecution did not expire with the earlier centuries. Roger Williams was exiled for religious freedom since the days of Galileo and Servetus.

It matters not that no heresy is taught. It is sufficient that questions are asked and that the reason demands an answer. This is a dangerous tendency in the eyes of self-satisfied respectability. The old philosopher who reasoned of the immortality of the soul was condemned by the State as a corrupter of morals. There is nothing in all Plato more impressive than in his picture in the Gorgias and Republic of the solitary and despised position of the philosopher—not the one who knows, but who wishes to know—and the impressions against him as, at best, a useless person, but more frequently a wicked one.

The legitimate goal of all human inquiry is the endowment of human life with new riches, new beauties, new inventions, whether in science, in religion, or in the state. That is the aim and end of all true scholarship. It is that spirit in literature which gave us a generation of intellects, of which Coleridge was the philosopher. Wordsworth, Leigh Hunt, Shelley and Keats were the poets, Southey the historian, Hazlitt the critic, and Charles Lamb the humorist. It was that scholarship which elevated the public life of England so that there were heard the thunders of Chatham, the fancy and wit of Sheridan, the simple and yet studied majesty of Burke. It was that spirit which gave to Edward Everett the title of orator, and wins for some politicians the name of statesmen. It was the scholastic spirit which made the man who added southern and central India to the British empire desire that his body might be laid in the chapel of Eton College and not in Westminster Abbey, the mausoleum of Britain's genius and royalty.

The scholarship of the press is not less powerful for good than the scholarship of the tribune. It was

said of the *Spectator* that it brought philosophy from the closet to the ordinary hearths and homes of men. It can better be said of the modern newspaper press that it brings information and opinions to every home and hearthstone in the land. Edmund Burke characterized journalism as an estate of the realm. It furnishes the daily reading of millions. It supplies the people with information on current events and furnishes conclusions at the same time. This is the great power, for while some men think for themselves it is equally true that most men think as others think or do not think at all. In the days of the Stuarts and the commonwealth journals were few and tracts numberless and daring. Pamphlets in prose and verse were, in fact, the weapons, and pamphleteers the champions in political warfare. Two of the greatest intellects of the day, Dr. Samuel Johnson and Edmund Burke, appear in this character—the former in the *False Alarm* and the latter in defense of Lord Rockingham's administration. In the era initiated in the reign of King George III., the press gave a powerful impulse to public opinion; it gave a new direction to public taste, and quickened into action the intellect of the nation. The publications treated of civil privileges, of the objects of government, of the rights and duties of the people. They appealed to immutable principles and enduring interests, and, in the course of a few years, supplanted the finely tempered irony of Steele, the grace and moral beauty of Addison, the oriental richness of Hawkesworth, the pomp of Johnson, the fertile genius of Cumberland and the pathos of Mackensie. Events took place in the world of politics that turned men's attention to the intrigues of cabinets and changes in established form and principles. It was such an appeal

to the people, and not a cold deference to a school or a court, that called forth the letters of Junius. The nation was advanced by discoveries in science, by principles in philosophy, by truths in history and even by the graces of poetry and fiction. It was manifested in the philosophy of Wordsworth, in the inspiring lyrics of Campbell and in the tender melodies of Burns. The press became more powerful, and will always become more powerful, as it became a part of the people and addressed their sympathies and defended their rights. Men always as they share that sentiment of humanity will be great; men as they hate that sentiment of humanity will be little. The stout legs of a common humanity will stick right out from under the coverlid of whatever Procrustes' bed it may be stretched on, and the legs will condemn, instead of being condemned by, the bedstead. The influence of modern newspaper literature is a feature peculiar to this age. The words of the press go like morning over the continent. It circles the globe with winged words. It is the center of a vast circumference. The community must be animated, the minds of the people must be emancipated from ignorance, and their political rights secured from the invasion of despotism. The printing press, directed by a genuine scholarship and fervent patriotism, is the army for this work, conquering by its intelligence. It sends its battalions and its regiments to storm every stronghold. Gutenberg, as Lamartine describes him, was the mechanist of the new world. Every letter of the alphabet which left his fingers contained more power than the armies of kings. It was mind which he furnished with language. The newspaper press speaks with a Pentecostal tongue. Scholarship armed with a printing press is invincible.

It can be watchful with more than the one hundred eyes of Argus—strong with the more than one hundred arms of Briareus—in holding up to public condemnation the honorable senators who tried Verres and at the same time received valuable presents, and the not less honorable senators who professed to believe in the alibi of Clodius, and at the same time were recipients of special favors. It can silence the demagogue who, like Cataline, can raise a storm, but who cannot, like Cromwell, control the elements of popular discord. Sir Walter Raleigh affirmed, however, that it was dangerous to follow truth too near lest she kick out one's teeth. Nor is even higher literature inconsistent with the world of politics. We have only to look at that era in France, when, with scarcely an exception, the whole scholarship of the country took the direction of practical politics. All the eminent writers became at one portion of their lives either statesmen, or journalists, or pamphleteers. Some of them as Madame De Staël, Benjamin Constant, Chateaubriand, Lamartine, and Victor Hugo, after giving their younger days to literature were drawn into politics and gave their party or their country the active assistance of their pens. Others, like Guizot and Villemain, and Victor-Cousin, ism and political writings and became senators and representatives because they had been authors. Others, like Guizot and Villemain, and Victor-Cousin, attained their ministerial positions chiefly through their literary renown. Nearly every French author of reputation became a contributor to the political periodicals of the day. The wonderful events of the French Revolution and the times which followed presented an irresistible attraction to men of literary ability, while a free press and an elective chamber offered

a field worthy of the noblest ambition. It was in this direction that they hoped to exercise an influence on the times in which they lived, and thus direct and control public measures. Intellect, and intellect manifested mainly by the voice and the pen, became the single ruler of the nation. Louis XIV. himself gave patronage to learning and communicated the impulse to his people. The result was manifest. Then the station of their representative men spread inspiration around the very place they frequented in life. In the theater were the dramatists, in the institute the illustrious authors, and in the other public edifices those who had been distinguished for genius and learning. This was a spirit worthy of the country which privileged the family of La Fontaine to be forever exempt from taxes, and declared that the productions of the mind were not "seizable" when they would have attached Crebillon's revenue from his tragedies in payment of his debts.

The tendency should be toward the absorption by the political, or rather the public, spirit of whatever the realm of intellect contains. It was only in this manner that such a high culture was developed in the Athenian mind. The young men might enjoy a conversation with Socrates; they often heard the stately oratory of Pericles; they witnessed the plays of Sophocles and Aristophanes; they walked amid the friezes of Phidias and studied the paintings of Zeuxis; they committed to memory the choruses of Aeschylus; they heard the reading of Herodotus at the public games; they listened to the rhapsodists as they recited the *Shield of Achilles* and the *Death of Argus*. The Agora led directly to the Bema of Demosthenes; the boys became critics of art. When the sculptor complained of the light, the youth reminded him of the light of the

public square. It is not strange that such an age should have given to posterity the priceless legacy of the Greek literature. Every department of human thought should contribute to influence an elevated public service just as Kaulbach, the great painter, did not limit himself to any one country, but his genius made all countries contribute to the celebrated picture of *The Period of the Reformation.*

They may be seen, Columbus and Bacon, Paracelsus and Harvey, Petrarch and Shakespeare, Cervantes and Hans Sachs, Queen Elizabeth and Gustavus Adolphus, Huss and Savonarola, Gutenberg and Galileo. They all meet in a large Gothic hall and measure the earth, dig manuscripts from an old sarcophagus, scan verses on their fingers, or grasp their swords while Calvin administers the sacraments and the choir sings from a hymn book in the organ loft. It required all these elements to perfect the grand achievement of art. In like manner public life should not look to the mere study of the science of politics alone, but poetry, eloquence, whether of the schools or the bar, art of all kinds, the stage, society itself, should become the educator and instructor of public sentiment. Society demands of every genius, be he orator or theologian, king or conqueror, soldier or statesman, what use he has made of his talents for the benefit of mankind.

The progress of the age is the theme of orator and poet and essayist. Its characteristic is its advancement in the physical arts and sciences. Thought has been most given to those discoveries which tend to the comfort of mankind. We have given to the world a Morse, by whose inventive genius the currents of human thoughts are borne from one continent to another by the electric telegraph, telling the story of revolts and

revolutions, of empires overthrown and dynasties established, of declarations of war and treaties of peace, of discoveries in science and achievements in art, of great statesmen fallen in death, of lights gone out and new luminaries glimmering on the horizon. We have given a Hoe to civilization, whose press is only second in usefulness to the art of printing itself. We have made rapid advances in every department of human industry. The invisible of to-day becomes the visible of to-morrow. The philosophers do not meet in the grove nor in the academy to hold converse on intellectual abstractions, but concern themselves about questions of humanity. We have, in a word, realized the prophecy of the wisest statesman of France of his day, who informed the cultivated world more than a quarter of a century before the Declaration of Independence that a free, prosperous and great people was forming in the forests of America. This material progress has the tendency to make a people indifferent to the claims of country upon its scholarship and its aesthetic taste. The wise Ulysses lulled the watchful Cerberus to sleep by casting food to him steeped in honey. There was a constant progress in Rome for three centuries in most of the arts of life. In the absence of any moral disapproval of war they went on conquering and to conquer until nothing was left to conquer. The *pax Romana* was peace indeed, but it was a worse evil than war itself, for it changed the men to whom the cares and trials of national life would have been a source of virtue and power into a set of offensive and debauched provincials. There were no longer citizens of Rome who would purchase at full price the land on which the invader's camp was standing, else Caligula would not have amused himself with his horse, or Nero

with his fiddle. It is sad for a nation to die. The fall of a throne often only involves the ruin of a man—the line of descent. The fall of a Republic involves the interests of every individual citizen, and reaches every home and every family. One cannot wander among the ruins of ancient Athens without a feeling of reverential sadness. There is a melancholy beauty in her broken columns and in her shattered tablatures. Greece added ingratitude to the ostracism of her scholarship. Phocion in chains, and rising in the theater to receive an unjust sentence; Demosthenes at Calauria, in exile, and weeping as he looked toward her shores; Aristides in banishment, because he was called the Just; Cimon repulsed as a friend to Lacedaemon when he offered his life to his country; Solon heartbroken over a constitution which tyrants had overthrown; Socrates drinking hemlock as he discoursed of the immortality of the soul; are chapters from her history. There was lost at last, through indifference, all spirit of nationality. Patriotism became exclusive. It is true that the Olympic and the Pythian games were open to all who could claim Hellenic blood and served to promote and encourage a feeling of union; but it required all the persuasion of Miltiades to unite them on the field of Marathon, and all the stratagem of Themistocles to strike a blow for liberty when their very existence was threatened by Persian invasion. There is a lesson for us as individuals in the olive groves of the academy; there is a warning for us as a nation in her prostrate temples.

In all ages the life of the citizen has been subject to the call of his country. The honors of victory have been chanted as much as the love of woman. Achilles is no longer fed on honey and milk, but on bear's flesh

and lion's marrow, that he may be strong for the conflict. The stately orations of Pericles, the splendors of Tully, as well as the sweet verses of Virgil and the poems of Horace, all tell of courage and sacrifice. Patriotism enters into men's hearts and men's lives. It tells its own story on historic fields. The pen of Homer pictures in bold Hector all the virtues of polished war. The glory manifold of every nation has come by the path of human sacrifice, of human thought, of toil, and even of life itself. The best national ideas have been baptized in blood. The sublime moment of this Republic, in the review of the century, was the awakening of the people to the call of an imperilled country. At the call to arms the sledge slept noiseless on the anvil, the shuttle forgot its cunning, the plane lay idle on the work bench, and the plow rested in the half started furrow. The beginning of the nation could only be established by a long struggle; by the example of severe fortune; by the increasing avowal of truth; and by the never failing enthusiasm which is stronger than any misfortune. It could only be maintained by the tears of women and the blood of brave men. Is the manhood that would send the soldier to the field of battle any more worthy of itself than the manhood that would send him to the public service of his country? The minds that have established great states have found a duty in the service of the people that has its reward. Solon who gave a constitution is remembered not less than Miltiades who was immortalized at Marathon. If men can afford to die for their country, men can afford to live for their country. In the century of our history there has been nothing written to better develop that spirit than the

little volume by Edward Everett Hale, entitled, *The Man Without a Country.* It accomplished more than the work of a bayonet. It was a pen mightier than a sword. It awakens every emotion of patriotism where it tells that Philip Nolan, lieutenant in the navy of the United States, wished for an epitaph after knowing what it was to want for a country, these words: "Here lies one who loved his country more than any man loved her, but who deserved less at her hands." There are many things in life dearer even than life itself. Honor, in the noblest sense, patriotism, duty, all are dearer. We must be faithful to all these, else all the graves are in vain. The true religion of humanity is the uplifting of the many to the higher level of advanced citizenship.

What higher mission can there be than to apply to society the great doctrines of peace and liberty and justice; to teach that patriotism which means love of country and helps the mind to study the best path of conduct toward that country? What higher mission than to found a new order of things on the ruins of the old; to meet with constancy the reflex of the wave; to combine the preservation of old tastes with the changes demanded by the times; to oppose the intrigues of disappointed friends; to defeat the schemes of concealed enemies; to innovate and yet to conserve; to protect freedom itself from the perilous activities quickened into life by its own spirit; to raise, in a word, from the disorganized elements of a civil war a great political temple, dedicated to the liberty of man?

These are the tasks of genuine statesmanship; statesmanship means a higher freedom; statesmanship means a better liberty; statesmanship is a timely use of opportunities. The word liberty may be found in Cic-

ero's Ethics, but that writer knew nothing of that word, as now understood by the freedman who has become the freeman. The word citizen may be found in classical literature, but no orator of the forum ever realized that word as now conceived by the serf who has become the citizen. The idea that man has a right to life and liberty may be found in all the poetry of the world, but it was given to this day and this generation to see it written in blood as the basis of national life. It is the duty of this generation to see that this principle is not forgotten in the so-called magnificent utilities of American life.

Lord Bolingbroke, speaking of the high calling of public life, says that, to govern a society of freemen by a constitution founded on the eternal rules of right, and directed to provide the happiness of the whole and each individual, is the noblest prerogative that can belong to man. It is that mission I would glorify. Literature is great, art is great, poetry is great, statesmanship is great only for the advancement of human happiness. If Horace Mann lamented that in European exhibitions the fine arts were always in a more conspicuous place than the useful arts, and if Theodore Parker complained that in Rome the studios were better than the carpenter shops, it should be remembered that in the great gallery of the world, to which all individuals and nations contribute, the highest places are reserved for those who forget self and accomplish most good for the common humanity. To have reached that niche is more lasting than the Roman laurel. It is not so much then whether one die in early manhood or in old age, as whether that existence while it lasts be useful to mankind and one's country. It was only twenty-one years before Ther-

mopylae that Leonidas had been carried as a babe in his mother's arms, while old Sophocles, charged with dotage by an ungrateful son, read his Oedipus at Colonus, and was carried home in triumph.

I exalt country, gentlemen of the fraternity, as worthy of the scholarship, worthy of the ambition which Pope, and after him Lord Mansfield, proclaimed to be the pursuit of noble ends by noble means, so that, through culture and patriotism, there may be realized the ideal state.

> "Fear, Craft and Avarice
> Cannot rear a State,
> Out of dust to build
> What is more than dust.
> Walls Amphion piled,
> Phoebus stablish must,
> When the Muses nine
> With the Virtues meet,
> Find to their design
> An Atlantic seat,
> By green orchard boughs,
> Tended from the heat,
> Where the statesman plows
> Furrow for the wheat;
> When the Church is social worth,
> When the State-House is the hearth,
> Then the perfect State is come,
> The Republican at home."

CONSCIENCE IN PUBLIC LIFE

Young Gentlemen of the Societies and of the University of Virginia:

It was said of Cicero that at the age of sixteen he was brought before the Prætor in the Forum, and, with the usual ceremonies, laid aside the *toga prætexta*, and assumed the *toga virilis*, which indicated that he took upon himself the responsibilities and duties which belong to public life. To-day many of you have reached that period in your education which established usage has invested with a deep and peculiar interest. The duties of the student, so far as selections from Quintilian and propositions from Euclid are concerned, must be formally laid aside, and from these halls, consecrated to Genius and Eloquence, the graduates must take their places for honor or shame among educated men, and live and act in a Republic of thoughtful, intelligent citizens. This is not only commencement in the collegiate sense, but to those who receive the degrees, the commencement of a career of usefulness or uselessness.

Learning is ordinarily associated with secluded cloisters and academic groves, but the elevation of public sentiment in the State is not less the imperative duty of the scholar. All the instructions of the schools should only be regarded as tributary to the right discharge of that duty. There can be no higher mission for the

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culture of the land than to educate the public conscience upon all subjects of morality and philosophy, of philanthropy and politics. It is an obligation—not alone a privilege.

John Milton, more than two hundred years ago, and in an hour when human freedom was threatened by an arbitrary power, uttered the heroic truth in these words: "I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race when that immortal garland is to be run for, notwithstanding dust and heat."

When we remember the scholars who have been educated here, and whose voices have commanded the attention of listening assemblies; when we think of the many who have contributed in the republic of letters to the enlargement of the boundaries of human advancement in every department of thought; when we contemplate those who, in the quiet and more secluded walks of life have been faithful to duty as citizens and neighbors and friends, we can understand not only how powerful for good has been the University of Virginia, but what lasting influence for right and morality will yet go forth to benefit the generations of the future. Society has a right to exact a generous return from every alumnus of this institution. The commonwealth of learning has a right to the best gifts and noblest zeal of every one of its citizens.

If it be true, as Plato says, that we are not born for ourselves alone, but that our country claims her share, and our friends claim their share of us, then will it not be inappropriate, even in a society of scholars and among those clothed with the responsibilities created by the privileges of education, to speak of personal in-

tegrity or conscience in public life. This is, perhaps, the more fitting to the occasion and this place, since we have gathered under the very shadow of Monticello, and near the dust of him who so well exemplified this principle in life. There need be no fear that politics will exclude culture. The spirit of scholarship will still remain. Coleridge says that Greece would still be the land of the heroes, though all the sands of Africa should cover her cornfields and olive gardens, and not a flower were left in Hymettus in which a bee could murmur.

In all the generations since Solon gave a constitution to more than a commonwealth, and that he was has been no man who has been more instrumental in the formative period of a nation's history, and directed his country with such conscience, with such courage, true to the glorious ideal of a Republic. It is enough for posterity to know that he wrote the declaration which proclaimed the equality of man for a nation; that he was the founder of an institution which gave instruction to more than a commonwealth, and that he was the author of the statute which gave religious freedom to Virginia. Thomas Jefferson truly was nurtured in republican air, and inspired with republican traditions. There breathes forth in every public utterance a sincere love for his country and a sublime faith in her destiny.

It is not intended to follow the casuists or the metaphysicians in their definitions of conscience. Conscience means self-knowledge in the broadest sense, but it also implies a moral standard of action in the mind, as well as a consciousness of our own actions. It is, indeed, the inspiring motive of all heroic actions. It is that which is truly commendable in its own nature. It is the foundation of character. It is the only real

support of self-respect. Whewell, in his *Moral Treatises,* makes the distinction of an internal moral standard as one part of conscience, and self-knowledge or consciousness as another part. The one is described as the internal law, the other as the internal accuser, witness and judge. It not only points out the path of duty, but it impels one to walk in that path of duty. It is something more than the finger-board pointing the way. It is that monitor within, as the old philosophers said, which told them to look toward the stars. Conscience, whether applied to public or private life, is accepted as that motive which prompts the right course. It is the "ought" as distinguished from the "ought not," rather than that which expediency may dictate. The President of Princeton College, Dr. James McCosh, furnishes the best idea of conscience:

"Its office is not to declare what is, but what ought to be. Its mood is not the indicative, like the reason, nor the conditional like the understanding, nor the optative like the will, but the imperative. Other powers approve of truth, but this of virtue. Others guard us from error, but this from crime. It sits on a throne like a king; its rules are obligations; its affirmations are statutes; its proclamations are enactments. It sits in judgment as a judicature, and its decisions are commands; its sentences are condemnations; its smiles are rewards and its frowns are reproofs. It asserts not power but claims which assert their superiority to power. It sets forth not might but right, which in its nature is above might. It often says of what is, that it should not be. It frequently lends its countenance to what is despised among mankind, and pronounces a sentence of disapproval on that which is most highly esteemed. It is not afraid to attack power

in high places, while it will espouse and defend the cause of the persecuted and the helpless. It rests on its own prerogative, and it wears the crown and wields the sceptre, whether its claims are acknowledged or denied."

Right is radical and eternal. There is such a thing as immutable morality, and this immutable morality is the foundation of conscience. It is not limited to any age, but belongs to all ages. It has no horizon but humanity itself. It existed in the heroic age of Greece, in the Augustan age of Rome, in the middle ages of Italy, and in the time of the commonwealth of England. It belonged equally to Solon and Marcus Aurelius, and to the Medici, and Algernon Sidney. Pym, the man of the Puritan stamp, had it in an eminent degree.

It is contended by most speculative writers against a democratic form of government, that it cannot resist the dishonesty of designing men, and that it is powerless to contend against ambition, intrigue and corruption. This is not less true of aristocracies and monarchies, but it must be confessed that a republican form of government of all others requires the support of morals and virtue. Nations, like individuals, will prosper only in the observance of the moral law. They will decline only through violations of this law. The only power in a representative government which can withstand the force of a misguided popular sentiment will be found in the conscience of the educated masses. This is done by not only forming a sound public opinion, but by resisting an unsound public sentiment.

Timur, the mighty Tartar, in the rhetoric of the Orient, said that sovereignty is like a tent, the poles of which should be justice, the ropes equity, and the stakes philanthropy, in order that it may stand the

blasts of adversity. There can be no real and permanent progress that does not begin within and work outwardly. Every civilization will attest this truth, from the age of Pericles to the nineteenth century. It is the teaching of all philosophy, as well as the lesson of all history. Men, high-minded men—not battlements—constitute the state.

Pope Pius VII., during the popular commotions of his times, recognized this principle in ethics by insisting that that virtue is alone capable of bringing mankind to perfection and preparing them for happiness, whose duties are prescribed by the laws of nature and more fully brought to light by the Christian dispensation. It can alone be the foundation of a prosperous democracy. This sentiment is greater than the Cæsars.

The necessity of this conscience cannot be over estimated in a government where a written constitution is regarded as a restraining rather than as an enabling instrument. Hamilton, in his vindication of Washington's proclamation of neutrality, and Jackson, in his paper to the cabinet, maintained in effect that the constitution, in regard to the exercise of executive authority, is only a restraining power, and that which is not forbidden may be exercised. The truth alone can make us free. Democracy will never lack demagogues any more than despots will lack dependents. It will often be necessary to speak unwelcome truths at critical periods, and popular violence must be confronted by stern self-reliance. There are times when everything must be staked upon the result. "Come," said Ney at Waterloo, "and see how a marshal of France can die!"

This conscience is not limited to mere obedience to statute or common law. It recognizes in their complete authority the unwritten laws of humanity. It

animated Saint Louis, who would not swerve to the right nor to the left, and with William Penn it accepts the brotherhood of man. The law prescribes but a small part of the moral duties of man. It is true that good morals depend very much for their advancement upon wise legislative action, just as wise legislative action may depend upon good morals, but there is the guilt of opportunities neglected and capacities for usefulness unemployed. The suppression of the truth is frequently as culpable as the commission of an untruth. The witness is affirmed to tell the whole truth. The Good Master told His disciples that in His Father's house there were many mansions, and then, in the fullness of His affection, added: "If it were not so I would have told you." In like simplicity, when the dying Socrates had ceased to discourse of the immortality of the soul, he remembered the indebtedness to Asclepius, and with the last breath directed that the obligation should be paid.

Francis Lieber, in his *Political Ethics,* says: "Justice—if we designate by this sacred word that virtue which is the constant will, desire and readiness faithfully to give every one his *due,* and if we understand by due not merely that to which every one has a right by the positive and enacted laws of the state, but that which is his as man, as individual, as moral being and as our neighbor—is that virtue which is embodied in the great practical moral law that we should do even so to others as we would that they should do to us. Justice was early acknowledged to be the supreme virtue, including all others; it is that virtue or ethic disposition which prompts man to acknowledge others as his equals, and thus become the very foundation of the state, and remains at once its cement and energy;

that virtue which, above all others, establishes confidence, peace and righteousness among men individually and collectively, as states or nations, and comprehends fairness, equity and even clemency."

Corruption, whether in a monarchy, an aristocracy or a democracy, may be rendered punishable by guillotine, or stock, or prison, and will be punished so long as a sense of right characterizes the community, but this right itself cannot be enacted. We go beyond the declaration of the first Napoleon, that public morals are the natural complement of all laws, and that they of themselves form an entire code, by insisting that good laws are the natural result of good morals, and that no civilization which is not founded on a perfect system of moral truth can be lasting and progressive. This ideal law was recognized even in darker ages, and the genius of Sophocles gives expression to this thought:

> "No ordinance of man can e'er surpass
> The settled laws of Nature and of God,
> Nor written there on pages of a book.
> Nor were they passed to-day or yesterday.
> We know not whence they are; but this we know,
> That they from all eternity have been,
> And shall from all eternity endure."

Montesquieu lays down honor as the fundamental principle of monarchy, fear as the basis of despotism; but proclaimed, though the subject of an absolute monarch, that virtue is the basis of republican government. Virtue here has not the interpretation which was given the word during the Renaissance, when poetry, painting, sculpture and the fine arts were called the "virtues": but that virtue is intended which is personified in Tennyson's *Northern Farmer,* alluded to by

Maurice, and which prompted Martin Luther to go to the Diet if there were as many devils in Worms as there were tiles on the roofs of the houses, and which made John Hampden declare that he would not pay the forty shilling tax of ship money even if the resistance would involve him in ruin and his country in civil war.

This virtue, which is synonymous with conscience and is the basis of all heroic action in private life as well as in religion and science, is of equal importance for the essential and lasting prosperity of a nation. It would limit in private life the trickery of the tradesman, the unkindness of the husband, the harshness of the father, the impatience of the wife, the disrespect of the child, the exaction of the employer and the negligence of the employe, not less than it would in public life limit the tyranny of the tyrant, the scheming of the statesman, the dissembling of the diplomatist, the plotting of the politician, the prejudice of the partisan, and the injustice of the judge. When carried into the profession of jurisprudence it would supplant the severer sentences and the hard syllables of legal enactment with the softer words of charity and love. It would teach clauses of legislative authority to embody noble sentiments, to obey divine impulses, and shadow forth sublime inspiration. It would make the prevention of crime and not the punishment of the criminal the end of all statutes. It would, in a word, make humanity the oracle and the lawgiver. It would look about, like Diogenes with a lantern, to seek not an honest man alone, but to make honest men, by first inculcating honest principles. It would make Xantippe a better wife and the old philosopher a more domestic man.

There is, perhaps, no better illustration of the idea of conscience which should be applied to public and private life than the *honestum* of Cicero. He treated of the subject at length in his *De Officiis.* In his unhesitating choice of right in preference to expediency, as the rule of conduct which should govern in both public and private relations, and in conforming to a moral ideal full of correspondence to some perfect rule of action, he is a safer guide than even Paley with his teachings. There cannot be found a better practical exposition of the whole duty of man in all Pagan antiquity, nor even in the pages of modern philosophy. He makes truth, justice, fortitude and decorum as the constituent parts of virtue and the sources from which all human duties are derived. The great Roman avows the conviction that right and wrong are not dependent upon the mere expediency or inexpediency of the supposed conduct. He contends for the morally excellent *per se,* and urges that the useful and the good are not inconsistent, but coincident and harmonious. In the work *De Legibus* he says: "The impulse which directs to right conduct and deters from crime is not only older than the ages of nations and cities, but coeval with that Divine Being who sees and rules both the heavens and the earth. Nor did Tarquin less violate that eternal law, though in his reign there might have been no written law at Rome against such violence; for the principle that impels us to right conduct and warns us against guilt springs from out of the very nature of things. It did not begin to be a law when it was first written, but when it originated, and it is coeval with the Divine Mind."

It is only necessary to appreciate the sublimity of these teachings by comparing them with later writers.

Contrast the ideal conscience of the century before the Christian era with that of the seventeenth century, when Hobbes, of Malmesbury, confronts this idea with the argument that pure selfishness is the motive and end of moral action, and makes religion and morals alike to consist in passive conformity to the dogmas and laws of the reigning sovereign, or that of Paley, who declares that actions are to be estimated by their tendency; that whatever is expedient is right; that it is the utility of any moral rule which constitutes the obligation of it; that actions in the abstract are right or wrong according to their tendencies, and that the agent is virtuous or vicious according to his design. These teachings would lead man to believe that he was born for himself and for himself only, and that with regard to country he is to think of it as Shakespeare's Pistol thought of the world—"this world's mine oyster which I with sword will open."

There is more genuine humanity in the *honestum* of Cicero than in all the philosophy of the centuries. It is the higher law—or rather the highest law—not in the sense, however, that it regards statutes or enactments of no binding force when antagonized by conscience, but in that it gives vitality to all good laws and makes operative every right declaration, whether of court or convocation, whether of commons or congress. Conscience is a matter of culture, and has its government in the intellect. While the law remains upon the statute book, it must be obeyed as a principle of duty, lest disobedience become a matter of condemnation to the conscience as much as the law itself. The alternative of revolution and disorder is just as sure to be presented by an issue of conscience regarding the morality of the law as it would be by

an issue of judgment touching its expediency. The safe rule is to obey until freedom of discussion shall change the policy of a nation's administration. The last alternative is found in revolution. The time and necessity of the appeal must rest with the people alone. Some writer has said that there never was a revolt without a reason.

Cicero, in his letter to his son, says: "But when you view everything with reason and reflection, of all the connections none is more weighty, none is more clear than that between every individual and his country. Our parents are dear to us; our children, our kinsmen, are dear to us, but our country alone comprehends all the endearments of all, for which what good man would hesitate if he could do her service. * * * But were a computation or comparison set up of those objects to which our chief duty should be paid, the principal are our country and our parents, by whose service we are laid under the strongest obligation; the next our children and entire family, who depend upon us alone without having any other refuge; the next our agreeable kinsmen, who generally share our fortune in common."

It was that high sense of duty which prompted him to hold himself aloof from the first triumvirate—Cæsar, Pompey and Crassus—because of the firm conviction that the alliance threatened the ruin of the Republic. It is the statesmanship that consults the sun, not the wind. It takes care that the Republic shall receive no detriment. This morality hates injustice and cares not whether that injustice comes from private life and wrongs our neighbor, or whether it comes from the judge and perverts justice, or whether it comes from ecclesiastical council and injures the

confiding, or whether it comes from the crown, making boundaries to oscillate and the rivers to run red with blood to gratify human ambition. It finds expression in the statutes, which gather into their embrace the poor, the oppressed, the outcast, the wretched, which consider their miseries and their misfortunes for the purpose of relieving them; which protect women and children in factories and workshops and garrets from prolonged and unpaid toil; which follow the miner as he delves in the mines and watch over him in the darkness and danger of his employment; which accompany the emigrant in his melancholy exile, and cheer him in the moments of his despondency; which provide a ministry of education and comfort for the unfortunate child of want and crime, and give hope and confidence and opportunity to the degraded and dying. It thinks with Chremes, one of the characters of Terence, that there is nothing which has a relation to mankind in which it has not a concern. It will always contribute to the advancement of a common humanity with a charity as broad as human life, with a toleration as universal as ignorance and the infirmity of men, and with a mutual forgiveness as omnipresent as the shadows of human life. It speaks, as with the voice from the mountain, to the weary and heavy laden who are seeking rest.

It carried Florence Nightingale, as with the form of an angel, into the hospitals of the Crimea. It took Francis Xavier—the missionary of the Society of Jesus—with his Bible and breviary and wallet, across the ocean to India and the Indian Isles, and even to China and Japan, where, after eleven years of faithful effort he laid down his life on the sands of a lonely

island in the Chinese Seas with his cross in his hands, and, with tears of joy in his eyes, breathing the words: "In Thee have I trusted; let me never be confounded."

The logical result of the proposition, that whatever is expedient is right, leads directly to Machiavellism. This is the spirit of *The Prince*. This was the teaching of the secretary of state when Florence was governed by the Council of Ten, and this the code of morality advanced by one who conducted the diplomacy of the Republic of Florence until the sons of Lorenzo the Magnificent were established on the throne. The stability of the government is not made to depend on the strength of virtue by which it is sustained, but rather upon the deception which can be employed, and the advantage which can be obtained. It is the same code of morals practiced by Jugurtha, and in later times by Sir Robert Walpole—that all men can be bribed in some form or another, either by office, or money, or promises of reward. It is the same teaching which made Dubois the scandal of the Church and Jeffries the reproach of the law. It is the same standard of action which called Lentulus, two years after his conviction of extortion, to the censorship, in order that he might watch over the morals of the people, and keep guard over the purity of the magistrates.

In the chapter respecting the obligations of the princes to keep their engagements, Machiavelli says: "Nevertheless experience has shown us that those princes of our times who made the least account of their word and honor have done the greatest things, and that by dint of craft and circumvention they have for the most part got the better of others who proceeded with sincerity and regard to their engagements. * * * A wise prince, therefore, might not regard

his word when the keeping of it will result to his prejudice, and the causes no longer subsist which obliged him to give it. This is a maxim which should not be inculcated if the generality of mankind were good, but as they are far otherwise, and will not perform their engagements to you, you are not obliged to keep any measure with them. A prince will never want colorable pretense to varnish the breach of his faith, of which we might bring numberless examples, of no very ancient date, and show how many treaties, how many solemn promises have been perfidiously violated by princes; and those who have acted the fox have always succeeded best in their affairs. However, it is necessary to disguise this craft and so be a thorough master of simulation and dissimulation. For some men are so simple, and others so eager to get out of present difficulty, that whoever knows how to act this part will always find dupes to his hypocrisy. * * * It is honorable to seem merciful, courteous, religious, punctual and sincere, and indeed to be so; but it is necessary at the same time that he should have his mind so modelled and be so much master of himself, that he may know how to alter his conduct upon occasion. * * * He will often be obliged, for the preservation of his state, to violate the rules of charity, humanity and religion; and therefore he should be really prepared to shift his sails according to the wind that blows, and never to do evil if he can help it; but if he is compelled by downright necessity, to make no scruple about it. He must constantly be upon his guard, that nothing may even drop from his mouth, but what seems to proceed from a heart full of goodness, mercy, truth, humanity and religion, but particularly of the last, for mankind in general form their judgment rather from

appearances than realities. * * * There is a prince alive at this time who has nothing but peace and good faith on his lips, and yet if he had inclined to one or the other, he long ago would have lost both his reputation and his kingdom.'' This prince was Ferdinand, King of Aragon and Castile, who owed the acquisition of Naples and Navarre to perfidy and bad faith. His reputation consisted in the declaration of one of his contemporaries, who used to say of him, that Ferdinand should swear to some God in whom he believed before he would trust him.

There never was a teaching without a personification. Cæsar Borgia fortunately furnished an illustration of the practical teachings of Machiavelli's diplomacy, and even his example is commended in ''The Prince'' as a pattern for imitation by other rulers.

This prince—or rather duke—formed the hopes of his future greatness upon the faithlessness of his obligations, and upon the dissensions of the Italian nobility. He corrupted first the nobility at Rome by distributing pensions and presents. He added murder to bribery by the assassination of his brother. He added shameful brutality to bribery and murder by causing the Swiss guards to be massacred for some supposed affront to his mother. He deposed the Duke D'Urbino, the lawful ruler of Romagna, and condemned Remino D'Orco to the cruel death of cutting his body in twain and exposing it to public view in the Piazza. He strangled several of the lords of the Ursini family after they were helpless through his perfidy and deception, and even held it to be his duty to exterminate all whom he had forcibly deprived of their states and possessions, lest they might rise up to contest his usurpation and lawlessness. Such is the character of the ideal

prince. The avenging Nemesis came at last. Cæsar Borgia, after exile and imprisonment, lost his life as a volunteer in a fruitless struggle under the walls of Viana. It required a page to discover his body on the field, but his iniquity was known of all men. The secret of embalming the body perished with the Egyptians, but Cæsar Borgia is embalmed for all time to come.

The cunning diplomatist may attempt in the first Decennale to create an imaginary hero and denounce his former ideal, but a science of statecraft, separate from and independent of every moral consideration, could have no better personification than the able and audacious Duke who was restrained by no scruples of conscience and deterred by no moral consideration from accomplishing his fixed purposes. We listen rather to the voice which comes to us from Mount Vernon, as the counsel of an affectionate friend, and who for nearly a half century in the service of his country, made these principles the rule of conduct: "Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantage which might be lost by a strict adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which

ennobles human nature. Alas! is it rendered impossible by its vices?'' The great Italian may sleep quietly in the church of Santa Croce, where his bones, after remaining undistinguished for more than two hundred years, were laid to rest by an English nobleman, but wherever his teachings may take root, like the story of Cadmus, who sowed the teeth of a serpent which he had killed, there will spring up a race of men to fight each other until all shall be slain. Whatever is expedient is not always right. Conscience is king. ''Neither imperial dignities nor the gloom of solitude,'' says Tacitus, ''could save Tiberius from himself.'' All the perfumes of Arabia, says Lady Macbeth, cannot sweeten this little hand—the hand red with the blood of Duncan.

Without general morality there can be no sound commonwealth. Good laws elevate, cultivate, perpetuate. It may be accepted as an axiom that whatever force at the particular time is in the ascendency will determine the legislation of a country. This dominant force will gather and control other forces. The very winds will be its allies. In an absolute monarchy there will always be a tendency toward despotism, in an aristocracy toward an oligarchy, in a democracy toward communism. If we would have a good government, there must be the ascendency of the moral principles. Knowledge and conscience must be the controlling forces in society. Prayers were once offered for a ''blessed stranding,'' in order that the people along the shores might prosper from the misfortunes of those whose vessels had gone to the breakers. Every day and every hour has its exigencies and its immediate demands. Public wants are constantly changing, and commotion will come as the written law prescribes

one course of action and the necessities of the people seem to demand another. Professional skill, whether in law, or medicine, or theology, or any of the sciences, needs only to be possessed by the few; but social and civic virtues are necessary to every citizen of a commonwealth. Political power is valued more than political liberty. There can be no more dangerous enemy to liberty than a restless ambition for power, unchecked by the restraints which should regulate and govern its exercise. If power is conferred without responsibility, it will be exercised without justice. The private interest is then considered before the public weal. There will be required a broad culture for the comprehensive grasp of principles, for the ability to reach proper conclusions, as well as to direct other minds to correct results. Conscience and heroic action will be demanded to correctly apply these principles to administration. We live in a republic of equal, intelligent, patriotic, self asserting citizens, and where it is often necessary to soften the ardor of the partisan without ostracising him entirely from an interest in public affairs. We live in a republic which should have no points of compass and no degrees of latitude. We live in a republic where there is need of the fellowship of the good and the strong and the brave in every part of the land to contend against the new forms of aristocracy which the agencies of modern society have created. We live in a republic where freedom itself must be protected from the perilous activities quickened into life by its own fearless spirit, and where new defenses for democracy must be discovered in the new trials of its life.

The condition of our society should awaken the serious thought of every lover of peace and the welfare

of his country. There are demagogues enough who can raise a storm, but who cannot control the elements of popular discord. The law should be invested with a supreme majesty. Less than three years ago more than forty millions of people stood trembling with great anxiety, lest a call to arms—more terrible than the fire alarm at midnight—should again destroy the peace if not the very existence of the government itself. The tribunal of last resort announced the decision, and the threatened tumult was stilled by the supreme regard for the law which the public conscience demands for the peace of our streets and the quiet of our homes. He is an enemy of society and public peace who would seek to let loose those passions, lest not only titles to the presidency, but even the presidency itself, would perish in the ruins. Less than three years ago the crowded thoroughfares of more than one American city echoed with musketry because of great popular disorder. The worst passions of men seemed to crystallize and consolidate into forms like vultures, while the very horrors of the French Revolution appeared in visible outlines amid the glow of burning buildings. The supreme regard for the law through an awakened public conscience brought order out of confusion. He is an enemy of public peace who would quicken those elements into life lest the smoldering embers may kindle a flame of desolation like that over which Marius wept on the plains of Carthage. Do not laugh. Robespierre laughed and went to the wall. It was only a spectre in the camp at Sardis that unnerved the heart of Brutus and destroyed the political system that made the arbitress of the world. Conscience to-day consists in strangling the Catilines in public life, by the strong cord of public opinion.

It cannot be denied that the country is losing something of the character which it possessed when Jefferson passed away, as fades a day of summer into the stillness of midnight. His prophetic eyes saw only an unclouded horizon in which arose picture after picture of national splendor. In official life there is that growing disposition for speculation and profit -like thievery and stratagem among the Spartans, where the remorse was connected with failure and the shame only attached to detection. There seems to be more of a willingness on the part of the people to abandon themselves to the guidance of demagogues, who would drive the disreputable trade of artifice and intrigue. Patronage has created a large political hierarchy for the control of partisan politics. This class, organized and disciplined, Briareus-like, has a hundred hands to reach for the spoils of position and place. It directs the actions of the agents, just as Charles X., shortly before the last French Revolution, sent orders to the civil officers throughout the kingdom to vote for certain candidates for the chamber of Deputies. They do not rejoice with Epaminondas when refused place, that their country has so many better men than themselves. Like Achilles they sulk in the tent.

The laxity of conscience is witnessed in public discussion. Willful calumnies and fictitious statements are boldly proclaimed. The highest legislative body in the country, where the very sanctity of the place should command silence, echoes and re-echoes with crimination and recrimination. The reputation of men is attacked under the deceptive excuse of party warfare. The victory of a party is too often considered the sole object of government.

There are lessons, too, which come to us from the

history of the bench. The independence of the judiciary is threatened. The name of the fearless Coke survives in honor a degenerate tribunal. The blessed memory of Lord Hale is still fragrant, and receives perpetual benedictions. The indignant clamor of the house of commons made Finch, the attorney-general of James II., take his seat in shame and confusion, because he had procured the conviction of Lord Russell. We look to the grand character of Lord Mansfield whom Erskine described as the awful form and figure of Justice.

The danger of the Republic will come greatly from material prosperity. The period of a nation's wealth has uniformly been the period of degeneracy and corruption. Temptations will multiply and strengthen with opportunity. The purse of the Lord was committed to Judas. Luxury is the offspring of prosperity. Luxury comes from the palaces of the opulent. Luxury is clad in the purple and fine linen of a rich civilization, and fares sumptuously every day. Socrates and Plato both tell us that the decline of the state commenced in the Periclean age. Cato realized that the conquest of the east would introduce the vices of the conquered. The old sage implored his countrymen to leave behind the pictures and ornaments of Asia, and to let the statues of Greece stand where they had been placed by the masters. Italy, during the Renaissance, was the centre of culture and refinement. It was at this time in which Macaulay pictures the Appennines covered with rich cultivation up to their very summits, the Po wafting the harvests of Lombardy to the granaries of Venice and carrying back the silks of Bengal and the furs of Siberia to the palaces of Milan, the fair, the happy, the glorious Florence, with

the halls ringing with the mirth of the Pulci, with the cell twinkling with the wonderful lamp of Politian, with the statues on which the eye of Michael Angelo glowed with the frenzy of a kindred inspiration, with the gardens in which Lorenzo meditated some sparkling May day song for the dances of the Etrurian virgins.

While literature and the arts were fairly glowing under the splendid sun of Italian culture, and while the colors of Raphael were delighting the eye, and the arches of Brunellschi were rising in graceful outlines, the liberty of the people was disappearing in the corruption which began in the time of Petrarch and extended to the days of the Reformation.

The idea among the ancients that to make profit out of office was an unpardonable crime should be magnified, even in the splendid civilization of this century. Conscience, which is integrity, should be made the chief of the civic virtues. The want in public station is the conscience of Pericles, who never increased his inheritance by a single drachma through a long career. The want in public station is the conscience of the old controller of Athens. The accounts, involving millions of money, were audited every fourth year, and found to be rigidly correct. When the old law-giver was dying he demanded a new examination. The auditor reviewed his long administration. The accounts were again declared to be correct, and were ordered to be engraven on tablets of marble, while the man of conscience went down to the grave in perfect peace. It would be well if some Juvenal or some Tacitus would hold up in deathless record the rigor of ancient honesty. The Catos in public life would then be more careful of their honor, and would weigh all the gold they brought from the east, and the modern

Regulus would take nothing of the plunder of wealthy Carthage. It might be, too, that some Fabius Maximus would upbraid the Scipios in the very senate—not as the corrupters of the soldiery—but as the corrupters of the people.

Aristides left a grand national legacy to his fellow-citizens by the name of the Just. When the proposition to burn the allied fleet was made, he said that while this course might be advantageous, it would be most unjust. This opinion comes down to us more imperishable than the frieze of Phidias and the marble of Pentelicus. As the ancients praised the times of Saturn, so the allies of Athens, the historian tells us, blessed the settlements of Aristides, calling them the happy fortune of Greece.

There have been those intrusted with power in later times with whom patriotism meant the love of country and a willingness to employ all the best powers, physical, moral and intellectual, in advancing the honor, the welfare, and the happiness of the whole people. There are those who have believed in that liberality of sentiment, that rectitude of principle, that purity of life—remote though the age—manifested by Theocritus in his Pastorals and Homer in his Heroics.

There certainly has been no statesman in English history who exerted more influence and directed the affairs of his county in more eventful periods than William Pitt. He was neither extravagant nor even in comfortable circumstances. The sheriff waited at the door at the time of a state dinner. There was, however, an absolute conviction shared by every Englishman that while he was instrumental in conferring peerage after peerage, and appointed others to most lucrative positions, there was in him incorruptible

integrity and unsullied honor. The great commoner could look with indifference, and even contempt, on coronets and garters. He sleeps in Westminster Abbey, the mausoleum of Britain's genius and royalty, with the younger Pitt and Percival and Palmerston; but of all the dust under those grand old Gothic arches, which have witnessed every coronation since the days of Edward the Confessor, "scarcely one has left a more stainless and none a more splendid name."

The example of Washington in retiring from the Presidential office, to which he had been called for two successive terms, was followed by Jefferson, notwithstanding the solicitation of the legislatures of some of the states that he could consent to another election. This second example of voluntary self chastened ambition, by the decided approbation of public opinion, says John Quincy Adams, has been held obligatory upon their successors, and has become a tacit subsidiary constitutional law. Conscience may be manifested in withholding from office as well as in holding office for the public good. The precedent established by the two greatest names in our history might well be accepted as the law of the land. Cæsar thrice refused the crown, but each time more gently than before. Self-sacrifice, without imitating Curtius, can sometimes raise a man to that grand elevation which will enable him to do acts that centuries will admire.

We are a people great in the conscious possession of powers and obligations, on which depend the highest issues of humanity. This, too, is a time in which broad ideas of civil liberty should be intelligently defined and more generally secured. The primary relation of the citizen to society and the state becomes a distinct subject of political action. We have a great compact

domain. Even Charlemagne and Alfred the Great had no such elements of empire. We have the civilization of all the centuries comprehended in one century. The settlements along the bays and inlets of the Atlantic have extended in parallel lines across the continent until they have reached the shores of the distant Oregon and California. The territorial greatness of the country has been expressed by the thought that the eagles of Rome, when their wings were strongest, never flew so far as from Plymouth Rock to the Golden Gate. The invention of the electric telegraph bears the currents of human thought from country to country and kingdom to kingdom, telling the daily story of great events. The discovery of the printing press is only second in usefulness to the art of printing itself. Hoe is as great as Gutenberg. Edison commands the elements to do his bidding and seems even to penetrate into the mysteries of the unknown and the infinite.

Hereditary wealth and the custom of primogeniture have never become ingrafted on our political system. The republicanism nurtured in the pure air of yonder mountains successfully protested against privilege and the feudal claims of the first-born until the principles have become intrenched in a continent. It has been demonstrated that a permanently pure democracy may exist, in which the whole people may partake in the affairs of government and share in its privileges. The bullet of the assassin or the stab of the assegai in the far-off Zululand may affect the title to a throne or determine the line of succession in a monarchy, but with us the people themselves are actors and participants, and it is their province alone to legislate, to rule, to alter, and they alone are responsible and suffer from the calamities of unjust legislation. There is

before this people a career of unparalleled grandeur or a career of unparalleled shame. There is a grander opportunity offered to the citizen than ever enjoyed by a Greek under Pericles or a Roman under Cæsar.

Froude, in his sketch of Julius Cæsar, says that free nations cannot govern subject provinces. If they are unable or unwilling to admit them to share in their constitution and laws, then the constitution itself will fall to pieces from mere incompetence for its duties. Edward Burke declares that Providence has decreed vexation to tyranny and poverty to rapine, and that by considering any part of our fellow-citizens in a hostile light, the whole body of our country becomes less dear to us. There is no greater mission for statesmanship to-day than to complete the work of pacification and reconciliation, in order that the nation may move forward as with the majesty of a new life.

There is a grander theatre of action for the young men of to-day than was ever offered in Nemean or Olympic games, or than has ever been presented in all the ages and in all the centuries. Millions of eyes are turned upon them, and greater acclaims than ever greeted Grecian hero await the faithful discharge of duty. The country invites educated young men to the high calling of advancing the public welfare—not necessarily through statesmanship and diplomacy, not necessarily in cabinet or congress, but by employing their powers in elevating the public conscience to a just conception of duty. The want of experience and of years will not be accepted as an excuse for inaction and indifference. The apostle wrote to young men because they were strong. In youth John Milton's thoughts were turned toward the composition of an epic which

would not let his name die. Montesquieu, at the age of twenty, began the preparation of the *Spirit of the Law*. The finest passages in Racine were suggested when a mere pupil in the woods of the Port Royal. Descartes was called the philosopher in early boyhood. The brush of Michael Angelo was inspired long before the matchless beauties of the *Transfiguration* and the *Last Judgment*. Handel in his youth, against the wishes of friends, left civil law and went to the closet, whence went forth melodies like the wings of the morning. Alexander the Great wept at thirty-three because there were no other worlds to conquer. Leonidas the brave had been carried as a babe in his mother's arms only twenty-one years before the day at Thermopylæ. Napoleon at twenty-six was commander-in-chief of the armies of Italy, and even then in the horizon were seen the rays of the sun of Austerlitz.

The high duty of the young men, not of the University of Virginia alone, but of the young men of America, is to pursue that which is right rather than that which is expedient; to amplify the sense of justice in private and public relations; to intelligently exercise political rights, not only as a privilege but as a duty; to develop the spirit of union and fraternity among all classes and all sections and to magnify country as worthy the noblest zeal and best affection. Self must not always be considered. "When I heard the thunder of Wellington's artillery at Waterloo," said the Bourbon, "I forgot Chateaubriand and thought only of France."

The voices that are calling should not be unheard. The hands that are beckoning should not be unheeded.

It is alone worth the effort of a lifetime to have for an epitaph, not that of young Keats, whose name was writ in water, but that of another of whom it was said it were easier to turn the sun from his course than Fabricius from the path of honor.

GENERAL GRANT

Mr. President and Gentlemen:

When the first consul returned from Italy he was received in public triumph by the Directory. The standard of the army, inscribed with all his victories, was presented to him amid all the beauty and grace and manliness of the republican period. The orator—the most accomplished diplomat of his day—said that every Frenchman must feel himself elevated by the presence of the hero of his country. Napoleon represented the idea of aggressive war, and was received because he had made the pages of history resplendent with martial glory. When the Duke of Wellington appeared in person, with well earned decorations, to receive the thanks of the house of commons, the walls of St. Stephen rang again and again with the acclaims of the gathered representatives of the British empire. The Iron Duke touched the heart of every Englishman, because he had overthrown the man whose folded arms had become the anxiety of thrones, and at whose word boundaries oscillated and diadems were distributed.

Ideas thus become kings. Every battlefield, above the roar of cannon and the crash of musketry, has a flag which is the symbol of an idea. History will judge the cause. Nations may be great aside from war, but war is sometimes the salvation of a people.

There must be a supreme tribunal among nations

Response to the Toast "Our Guest" at the Banquet given to General Grant by the Citizens of Cincinnati, at the Grand Hotel, February 12, 1880.

and peoples to determine even the right of existence. The contest through which this nation passed exalted the very nature of war from a struggle of arms into a great contest for the supremacy of an idea. That idea was the right of the nation to live. It was heard in the steady footfall of a million of men marching together. It found expression in the solemn war chant of advancing regiments. It was seen in the blazing camp fires of a hundred thousand men. It was reflected from the gleaming bayonets which flashed in parallel lines to the Gulf. It thundered forth from every gun from the Mississippi to the sea. It animated the captive and the prisoner who suffered in the slow agony of prison martyrdom, and could only look to the stars for help. It prompted angels of mercy—with human form—to go into every camp and hospital to relieve the faint and sick and dying. It sent the prayers of the good men and women in Israel heavenward, like sweetest exhalations, for benedictions on the cause.

The guest whom we honor to-night was identified with the greatest crisis of the age. He represents not aggressive war, nor the overthrow of a dynasty, but the better idea that the purity of the Republic shall be maintained. This idea, which involves country and home and family and society, was successful on the field of battle, and his name will go on ringing through the generations. This war being sanctified by a national purpose became the people's war. The cause for which they fought was their cause. The reward of victory was their reward; the effort to obtain it was their effort. The people realized the proud consciousness that this country was their name, their glory, their sign among the peoples of the earth. That sentiment welcomes death and disease, if neces-

sary, and, when inscribed on the banners of an army, is stronger than its bayonets. At the call to arms the sledge slept noiseless on the anvil, the shuttle forgot its cunning, the plane lay idle on the work-bench and the plow rested in the half-started furrow. When the war closed there was an army in the field of more than a half million of men. They had been constant in labor, devoted in patriotism, ardent in action, generous in victory and unfaltering in death. When the flag floated in triumph the guns were returned to the arsenal, the bayonets replaced in the scabbard, the dust gathered on the drums that had so lately beaten the long roll, while the grandest army that ever vindicated national integrity returned to the pursuits of peace. Nearly all great civil revolutions have ended in a dictatorship. An iron will builds up a despotism on the ruins of a war. The late civil war ended in the dictatorship of the people. They directed public affairs. We have earned in blood the right of self-government.

The destruction of human servitude was an accident —not a purpose of the war. The system antagonized the very idea of liberty itself. It could not live in this century and it perished in the shock of battle. Human slavery dishonored the nation, and the resurrection of bondage would be the resurrection of shame and dishonor to America. Truth is stalwart. Right is radical. The contest between justice and oppression will never end. Injustice brings discontent, and discontent is rebellion. England is reaping her injustice in the discontent of Ireland. Who can tell but that the flag fell at Sumter for the reason that when it should be lifted again it would raise up all men with it?

The breaking of the fetters throws a glow of human

ity over the whole struggle. It awakens sympathy in every heart that beats to be free. Humanity has no horizon. It will always be found that true religion consists in the uplifting of the lowly.

History teaches nothing if it does not teach that every war is increased or lessened by its enduring results – not alone by the magnitude of the struggle. Tamerlane standing at the gates of Damascus with his battle-axe on his shoulder, while his legions filed out to new victories and fresh carnage, is less important than John Hampden, who, for a few shillings of ship money, perished on the field of Chalgrove. The unrivalled welcome extended by the other nations to the leader of our armies was greatly magnified, and will be greatly magnified in history, by the fact that his prudence and his judgment and his firmness of purpose directed the great forces which destroyed the institution of slavery.

It is, perhaps, too soon to judge critically of the movements of our armies and award proper credit to those who assisted in the great contest. There are prejudices to be overcome. We are too near the prominent actors and too near the influences which make partial judgments and partial history. It is not too soon, however, to say that General Grant from the beginning had a proper conception of the magnitude of the war and of the policy that should prevail. He declared it necessary "to hammer continuously against the armed forces of the enemy and his resources until, by mere attrition, if in no other way, there should be nothing left to him but an equal submission with the loyal section of our common country, to the constitution and laws of the land." Attrition determined the war. A battle may be won by an accident, but no great war was

ever conducted to a successful issue without the exercise of the greatest qualities of the mind, of judgment, of prudence, of calculation, of firmness of purpose. When courage and fortitude and determination were so nearly balanced as in the late war it follows that the armies should be directed by the great principle of acting by masses.

It can truthfully be said that the moral qualities of the soldier were not unequal—that Northern valor and Southern valor meant American valor, with only a geographical division. The science of war consists in massing units against fractions of divisions against brigades, of brigades against regiments, of regiments against companies. It protests against the movement of men by double, exterior or multiplied lines. It prefers the single or interior line. It contends that the march should be by the segment and not by the circumference of the circle. It is sufficient to say that this principle carried into effect directed more than one million men to victory, and receiving the sword of Pemberton in the Valley of the Mississippi, at last received the sword of Lee at Appomattox, where perished the gallant army of Northern Virginia, whose manhood, however mistaken the cause, called forth such Herculean deeds of valor. There appears, too, in the man of Shiloh and the Wilderness the magnanimity which has always characterized the true soldier. There is something in his character which, like that of Sir Philip Sidney, gave a cup of cold water to the dying soldier.

When the terms of surrender by the Army of Northern Virginia—an army which defied death even in the graveyard—had been signed, General Lee remarked that many of the cavalry and artillery horses belonged

to the men, who had given all to the cause, but of course it was too late to speak of that now. General Grant instantly replied: "I will instruct my paroling officers that all the enlisted men of your cavalry and artillery who own horses shall retain them, as the officers do theirs. They will need them for their spring plowing and other farm work." General Lee replied with visible emotion: "There is nothing that you could have done to accomplish more good, either for them or the government." He observed the cartel when politicians meddled, with the faith of a Chevalier Bayard. He would then supplant the methods of war by the methods of peace. He would on the very field of battle turn the sword into the plowshare and the spear into the pruning hook. He would make the deserted battlefields wave with golden harvest. He would follow the track of the avenging cannon wheel with the furrow of rich cultivation. He would make the air, once shrieking with shell and shot, vocal with the song of a merry husbandry. He would concede that something depends upon the circumstances of birth and education, and would rise to that patriotism which believes that men may love their country without intolerance and may fight her battles without revenge.

Some patriotic hand has painted an American flag in all its colors on one of the Corinthian columns of the old temples at Baalbec. The approach to the Temple of the Sun is made through a long subterranean chamber. A party of young Americans, on horseback, some time ago, on emerging from the chamber, saw the flag directly before them for the first time in a foreign land. In a moment, and without a word, every head was uncovered in honor of that country, which, if its flag does not extend so far, the blessings of its

civilization and good government extend even further. What must have been the emotions of him, who, having seen this flag in the heat and dust of battle, while thousands fought and millions prayed for its success, should again see it on the waters of every ocean, and received with salvos of artillery in almost every part of the habitable globe. What must have been the emotions of him as he contemplated in far off lands that his energy and his patriotism contributed so much to give his country the position which is now assigned to America by common consent in the commonwealth of nations, and which he has seen accorded by every prince and potentate in Christendom! The method of embalming the human body is among the lost arts. Science has not, even to this day, discovered how the Egyptians preserved their illustrious dead for thousands of years. It has been seen, however, in this generation, how a name may be embalmed for the ages, and if the memory of Lincoln shall live in the gratitude of the lowly whom he lifted up, in the affection of the boudman whose back he saved from the lash, in the remembrance of the oppressed whose wrongs he made his own, in the tears of wives and mothers and children whom he kept from the auction block, then the name of Grant will live so long as the Republic itself shall stand, or the page of the historian tell the story of heroic valor and self consecration to country.

The people of the city of Cincinnati, the metropolis of the state which gave you birth, cheerfully pay tribute to the soldier and patriot, who never disobeyed the call of duty, even in the time of greatest peril, and join with the whole country in the fervent wish that you may long be permitted to enjoy the approbation of

your fellow citizens, and the liberties which you have so faithfully helped to secure.

REPLY OF GENERAL GRANT.

Amid calls of his name and hearty cheering General Grant rose and said:

Gentlemen of Cincinnati:

Like all of you, I have listened to every word—all the eloquent words—which have just been uttered. And I have not heard one, except so far as they apply to myself individually, that I do not subscribe to and indorse in the fullest sense. (A voice: "Good boy.") If the eloquent speaker and myself have ever differed in politics, I don't know why it has been, except that we have voted opposite tickets. (Laughter.) Our views certainly have coincided exactly. (Cheers.)

Gentlemen, I thank you for listening to the words you have heard so eloquently spoken by the last gentleman, and for the greeting which you give me here. (Cheers.)

THE MIAMI VALLEY

Mr. President, Ladies and Gentlemen, Fellow Citizens of the Miami Valley:

I am honored to-day by this invitation to address the people of the Miami Valley. Born almost under the shadow of the Big Hill where Colonel Robert Elliott was waylaid and killed by the Indians in 1794, on his way from Fort Washington to Fort Hamilton, my thoughts were early directed to the struggles with the Indians and the efforts and hardships of the pioneers in settling and developing the country. In school-days I had read with peculiar interest of the desperate encounter of Jacob Wetzel with the giant Indian on the road to Storrs and Delhi; of the attack on Dunlap's Station, at Colerain; of the assault made on White's Station at the third crossing of Mill Creek near Carthage, on the old Hamilton Road; of the disastrous campaign of Harmar and Arthur St. Clair and the victory of Anthony Wayne at the Fallen Timbers.

There are, too, recollections and sympathies of a more tender nature which impelled me to come. My father more than fifty years ago, after leaving Nassau Hall and the College of Physicians and Surgeons in New York, came to the Miami Valley. For forty years he continued in the practice of his profession. He now sleeps in the village church yard at Springdale, on the very ground where stood the pioneer church of 1796, and left behind him a memory which is cherished in the

Delivered before the People of the Miami Valley, at Hamilton, Ohio, July 4, 1881.

whole community as that of a good physician, a kind father, and an estimable friend and fellow citizen. His attachment for this valley was sincere and devoted, and to-day his son, in the presence of the friends of his father and with every view about him associated with some recollection of boyhood, feels like adopting for the people of the Miami Valley the language of Ruth: "Entreat me not to leave thee, or to return from following after thee, for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God, my God; where thou diest, will I die; and there will I be buried. The Lord do so to me and more also if aught but death part thee and me."

In a quiet cemetery at North Bend, shaded by old forest trees, there is a plain tablet with the following inscription: "Here rest the remains of John Cleves Symmes, who, at the foot of these hills, made the first settlement between the Miami rivers. Born on Long Island, State of New York, July 21st., A. D. 1742. Died at Cincinnati, February 26th, A. D. 1814."

This purchase—known as the Symmes' purchase—marks a most important event in the history of the Miami country. It affects every title to real estate and concerns every home in the valley. It is interesting to trace the beginning of any people or any civilization. When society is in a formative state—when land titles are to be fixed and property made secure from vexatious litigation—when an extended frontier must be protected and the territory must be divided—when a scattered population must be governed and local jurisdictions must be established—when public sentiment is to be moulded and directed—the greatest care and best judgment should be exercised. The pioneers of this

valley were compelled to act largely without precedent, and to meet contingencies which could not well be anticipated. Their praise is written in the unexampled prosperity of this whole valley, and in the sacredness which everywhere invests life and character and property.

John Cleves Symmes was a soldier in the Army of the Revolution and chief justice of the state of New Jersey. He saw with the eye of prophecy that there was a magnificent future for the Miami country. There were many difficulties to overcome and much opposition was encountered. The land acquired as a result of the war for independence awakened jealousy among the states by reason of the claims which were asserted for the territory. Appeals were made to the patriotism of the states for the good of a common country. Virginia ceded her claim to all the territory northwest of Ohio, and Connecticut relinquished her right, excepting as to that district known as the Connecticut Reserve.

It then devolved upon congress to dispose of this ceded territory. John Cleves Symmes, for himself and his associates, on the twenty-ninth day of August, 1787, submitted a proposition to congress to purchase all the lands lying between the Miami rivers, south of a certain line, with the understanding that one township should be reserved for the purposes of an institution of learning. The proposition was referred to the board of treasury, and some eighty-two thousand dollars were paid into the treasury.

In the *Notes on the Northwestern Territory,* from which many of the facts concerning the purchase are obtained, it is stated that the ordinance for the sale of the public lands, under which the Miami contract

was made, estimated their value at one dollar per acre; but as the lands were offered in large tracts, there was a provision that one-third of that sum should be deducted from the price on account of bad land and land covered with water. The price really paid was two-thirds of a dollar per acre, or five shillings in Pennsylvania currency. This was payable in certificates of debts due from the United States. The interest due on the certificates was not to be received in payment; but for such amounts new certificates denominated "Indents" were issued at the treasury department. The purchaser was at liberty to pay one seventh part of the consideration in military land warrants, issued by the United States to the officers and soldiers of the Revolutionary War. The payments were to be made in six equal semi-annual installments, and on the payment of each installment the purchaser was entitled to receive a patent for a proportionate part of the land. This was the original consideration paid for these broad Miami bottoms, now rustling with growing corn and golden with expectant harvests.

There was then much discussion concerning the disposition of the public domain. The people looked with jealousy upon the attempt to concentrate the lands into the hands of the few, just as in later times the encroachments of gigantic corporations are regarded with distrust. Judge Symmes, without formally executing the necessary instruments to complete the purchase, left for the western country. It was thought by some that the object was to take immediate possession without further fulfilling the contract, and a resolution was even offered in congress ordering Colonel Harmar, who was then stationed at Pittsburgh with a regiment of troops, to interfere in the matter.

On the fifteenth of October, 1788, the contract was modified, by which the quantity of land was reduced to one million of acres, and the southern boundary instead of running from one Miami river to the other, was to terminate at a point in the Ohio river, twenty miles above the mouth of the Big Miami river, thence northwardly with the general course of the Big Miami for quantity.

Judge Symmes by agreement with his associates—Jonathan Dayton and Elias Boudinot—set apart for his own private benefit the entire township lying lowest down in the point formed by the Ohio and Big Miami rivers, together with three fractional townships lying west and south between it and these two rivers, estimated to contain forty thousand acres. This was intended as compensation for personal services in attention to the purchase and the sales of land.

The first object was to encourage settlements. Accordingly an inducement was offered in the way of a proposition to immediate purchasers that one dollar for every acre would be charged after the first day of May next following, instead of sixty-six cents, and that the price would be increased from time to time as the settlement might progress. The excess beyond the congressional price of sixty-six cents was to be deposited with a register and expended in opening roads and in constructing bridges, and in otherwise developing the country. History is silent as to the appointment of any register, and the frontiersmen were left to improve their own roads, construct their own bridges, and defend their own homes from the attacks of the hostile Indians. It was further stipulated that every person entering land for location should, within two years, place himself or some other

person on the land, or on the nearest station of defense, and commence an improvement, if it could be done with safety. The improvement thus commenced should continue for seven years, unless molested by the Indians. In the event of a failure to comply with these terms, there was a penalty of forfeiture of one-sixth part of each tract, which the register was authorized to lay off at the northeast corner in a regular square, and grant to any volunteer settler who would perform the original terms.

It was perhaps necessary that some provisions of this character should have been adopted in order that settlements should be encouraged, but the exaction of a penalty of forfeiture involved protracted difficulties and caused endless litigation.

The earlier courts, in the spirit of equity, hesitated to apply the rigid rules of legal principles in regard to forfeitures; otherwise much wrong would have been done. Judge Burnet says that it was the better opinion of his day that but for a relaxation of the severe rules of law, there was not a forfeiture title in the Miami purchase which could have been maintained. The good common sense that prevailed in the early days alone secured the innocent purchasers of real estate in the Symmes' tract from dispossession and ejectment. The statute of limitation has accomplished a good work in that direction.

The third entire range of townships was conveyed to General Dayton in trust for the persons who held military warrants and wished to turn in these warrants in payment of land. It became known as the Military Range, and will explain that which has often been the subject of inquiry among the people of the valley.

The original plan of survey adopted for the Miami

purchase was very defective. Some years afterwards Judge Symmes ordered the meridian line, which formed the east boundary of the section on which Cincinnati stands—now foot of Broadway street—to be carefully remeasured and new stakes to be set up at the end of each mile. This was declared the standard line, and purchasers and others were directed to run lines east and west from the new stakes, and to establish their corners at the points of intersection on the meridian. The effect of this, if carried out strictly, would have been to change every original corner in the purchase. Indeed, in some instances, the surveys were made under direction of the occupants themselves, so that many of the section lines are now irregular in distance, and more than one mile apart. The lines along the old road from one Miami to the other through Springdale resemble the worm fences of generations ago. They extend in acute angles almost from one river to the other.

The supreme court of Ohio has held that as the original survey had been made under the act of congress, and accepted at the treasury department, the old corners should stand. The ancient landmarks, which the fathers had set—as in the Mosaic law—should not be removed. There was, too, another difficulty which embarrassed the original purchaser. The eastern boundary of the purchase commenced in the Ohio river at a point twenty miles above the mouth of the Big Miami, which proved to be within the limits of Cincinnati, and ran from thence north, parallel with the general course of the Big Miami for quantity. The principal part of the land between that line and the Little Miami had been sold.

In order to remedy this defect, congress, in 1792, altered the original contracts so that the line should extend from one Miami to the other, and be bounded on the south by the Ohio, on the east and west by the Little and Great Miami rivers, and on the north by a parallel of latitude so as to include the quantity. In the patent made in pursuance of the act of May, 1792, the President reserved a tract of fifteen acres, including Fort Washington, for the accommodation of the garrison. There was also a reservation of a tract of land at or near the mouth of the Big Miami equal to one mile square; but this afterwards reverted to Judge Symmes and his associates.

The President was authorized by this legislation to grant a patent for as much of the land contained in the contract with John Cleves Symmes as could then be paid for at the treasury department.

In 1794, it was ascertained on settlement with the treasury department that Judge Symmes had paid for two hundred and forty-eight thousand, five hundred and forty acres, and for this quantity he obtained a patent.

The right to the grant of a college township had been lost by reducing the purchase to one million of acres by the contract of 1788; yet that township and certain reserved sections were included in the same patent, so that the boundaries described in it contained three hundred and eleven thousand, six hundred and eighty-two acres of land. There was no other evidence of title prior to that time than the original warrant given at the time of the purchase, but new deeds were now executed in regular form.

This then was the Miami Purchase—at that time an unknown wilderness, now almost an empire of itself,

with nearly a half million of inhabitants, revering religion, encouraging education, obeying the law; with cities and towns and villages and homes; with churches and academies and school houses; with railways and canals and turnpikes and telegraphs and telephones; with music halls and libraries and parks and pleasure resorts; with forests and woodlands and orchards and grain fields and meadows; with every comfort and luxury of the most advanced civilization.

It may be interesting to know the character of the Miami country and how it appeared before it began to bud and blossom as the rose, and before the melody of the reaping machine mingled with the melody of the birds.

When the original contract had been entered into for the Miami Purchase, John Cleves Symmes issued an address concerning the country. It is addressed "to the respectable public," and dated, Trenton, New Jersey, the twenty-sixth day of November, 1787. The address says: "The subscriber begs leave to add, for the information of those who are unacquainted with the country, that from his own view of this land, bordering on the river Ohio, and the unanimous report of all those who have travelled over the tract in almost every direction, it is supposed to be equal to any part of the federal territory in point of quality of soil and excellence of climate, it lying in the latitude of about thirty-eight degrees north, where the winters are moderate and no extreme heat in summer. Its situation is such as to command the navigation of several fine rivers, as may be seen by the maps of that country; boats are frequently passing by this land as they ply up and down the Ohio. There are no mountains in the tract, and, excepting a few hills, the country is generally

level and free from stone on the surface of the earth; but there are plenty of stone quarries for building. It is said to be well watered with springs and rivulets and several fine mill streams falling from the dividing ridge into the two Miamis, which lie about thirty miles apart, and are both supposed to be navigable higher up in the country than the northern extent of this purchase, so that the interior farms will have navigation in the boating season, within fifteen or eighteen miles at farthest. Salt in any quantity may be had by water within a moderate distance at the salt works on the banks of the Licking river, which empties itself from the Kentucky side into the Ohio between the two Miami rivers. Provisions for the first emigrants may be had very cheap and good by water from Pittsburg, Redstone and Wheeling settlements, or from the district of Kentucky, which lies opposite to this purchase on the southeast side of the Ohio. * * *

"For the quantity, a large proportion of the lands in the Miami purchase are supposed to be of first quality, and the whole equally good, compared generally with those of Kentucky. The titles to the Miami lands will be clear and certain, and no possible doubt can arise.

"The honorable secretary of war, Samuel Knox, having assured the subscriber of his friendly disposition to support the settlers against the Indians, by replacing a garrison of federal troops in the fort, which is still remaining on the land at the mouth of the Great Miami, must greatly facilitate the settlement, and in some measure render safety to the first adventurers.

* * * * * * * * * * * *

"A system of good government for that country is

already formed by the honorable, the congress, and the principal officers of the government are already appointed. His Excellency, Governor St. Clair, and the honorable judges of the supreme court go out early next spring, and will carry with them wholesome laws and the wisest regulations for promoting emigration to that country, protecting and rendering happy all those who may become peaceable settlers therein." * * *

One of the settlers, who was in the valley as early as 1791, says: "The winter of 1791-2 was followed by an early and delightful spring; indeed, I have often thought that our first western winters were much milder, our springs earlier, and our autumns longer than they now are. On the last of February some of the trees were putting forth their foliage; in March the red bud, the hawthorn and dogwood, in full bloom, checkered hills, displaying their beautiful colors of rose and lily, and in April the ground was covered with May apples, blood root, ginseng, violets and a great variety of herbs and flowers. Flocks of paroquets were seen, decked in their rich plumage of green and gold. Birds of various species and of every hue were flitting from tree to tree, and the beautiful red bird and the untaught songster of the west made the woods vocal with their melody. Now might be heard the plaintive wail of the dove, and now the rumbling drum of the partridge or the loud gobble of the turkey. Here might be seen the clumsy bear, doggedly moving off, or urged by pursuit into a laboring gallop, retreating to his citadel in the top of some lofty tree, or approached suddenly, raising himself erect in attitude of defense, facing his enemy and waiting his approach; there the timid deer, watchfully resting or cautiously feeding, or aroused from his thicket, gracefully bound-

ing off; then stopping, erecting his stately head and for a moment gazing around, or snuffing the air to ascertain his enemy, instantly springing off, clearing logs and bushes at a bound, and soon distancing his pursuer. It seemed an earthly paradise, and but for an apprehension of the wily copperhead, who lay silently coiled among the leaves or beneath the plants, waiting to strike his victim; the horned rattlesnake, who, more chivalrous, however, with head erect amidst its ample folds, prepared to dart upon his foe, generously, with the loud noise of his rattle, apprised him of danger; and the still more fearful and insidious savage, who, crawling upon the ground or noiselessly approaching behind trees and thickets, sped the deadly shaft or fatal bullet, you might have fancied you were in the confines of Eden or the borders of Elysium."

The peaceful valley of to-day has witnessed not less than five distinct armies within her borders with all the pomp and circumstance of war—that of General Harmar on his way to chastise the Indians of the Miami villages in October, 1791; that of General Arthur St. Clair, on his march to defeat the Indians of the northwest, in October, 1791; that of General Anthony Wayne, on his advance to the victory of the Fallen Timbers, in August, 1794; that of General John H. Morgan, of the Confederate Army, on his retreat to the Ohio river in July, 1863, and that of General Hobson, of the Federal Army, on the succeeding day, in pursuit of the retreating forces.

Arthur St. Clair, an officer in the old French war, in the continental army during the revolution, and president of the continental congress, was, in 1798, appointed governor of the northwestern territory. In January, 1790, he arrived at Fort Washington, and on

the fourth day of March, 1791, was appointed major general in the armies of the United States and invested with the chief command of the troops to be employed against the hostile Indians. The disastrous results of Harmar's expedition had emboldened the Indians and made them aggressive.

The object of St. Clair's campaign was to establish a military post at the Miami Village, at the junction of the St. Mary's and St. Joseph's rivers, at what is now Fort Wayne, with intermediate posts of communication between it and Fort Washington, in order that the Indians might be intimidated and further hostilities prevented.

Active preparations were commenced at once. In a narrative of the manner in which the campaign against the Indians in the year one thousand seven hundred and ninety-one was conducted under the command of Major General St. Clair, published in 1812, in his own vindication, the writer says: "In short, almost every art was going forward, and Fort Washington had as much the appearance of a large manufactory in the inside as it had of a military post on the outside, * * * and the country near Fort Washington being entirely eaten out on the seventh day of August, 1791, all the troops, except the artificers and a small garrison for the fort moved to Ludlow Station about six miles distant."

Colonel William Darke—for whom Darke county was named—led the advance from Ludlow Station to the Great Miami river. A fort was laid out to cover the passage of the river. This work was intended not only as a base for supplies, but also as a permanent link in the communication between Fort Washington and the stations to be established in the northwest.

General St. Clair was occasionally at the camp himself to direct the construction of the fort, but remained principally at Fort Washington to hasten the preparations for the campaign. On the third day of September following, the fort was so far completed as to receive a garrison, and two pieces of artillery having been placed in it, they were fired, and the stockade was named Fort Hamilton, in honor of the secretary of the treasury.

On the first and second days of October, 1791, the whole force, consisting of two thousand three hundred non commissioned officers and privates fit for duty, was mustered and reviewed by General St. Clair and inspected by Colonel Mentgetz, the inspector of the army.

The general then gave directions as to the manner in which the army was to encamp, and to form in order of battle in various circumstances, and left General Butler to carry the orders into effect. He then returned to Fort Washington to organize the militia, "with whom a number of officers out of all proportion to the privates, had come forward"—a possible characteristic of the militia of the present day.

On the fourth day of October, 1791, the army under command of General Richard Butler – for whom Butler county was named– was put in motion and commenced the march into the wilderness. The army forded the Great Miami at the shallow water near where the Indianapolis railroad bridge crosses the river. It seems strange to relate, but before the army left Fort Hamilton, the commanding officer was compelled to issue an order prohibiting the women who followed the camp from proceeding with the army, excepting two or three to each company. The order was disregarded, and many of the women climbed upon the artillery car-

riages in fording the river, and even rode astride the cannon. Atwater, in his history of Ohio, says that at St. Clair's defeat there were not less than two hundred women in the army at the commencement of the action, and that fifty-six were actually killed in the engagement.

The army advanced about one and a half miles on the first day to Two-Mile creek; on the second day about two miles further to Four-Mile creek and encamped on the site of the old mill on the Eaton road. On the third day the army marched to Seven-Mile creek and encamped in the bottom on the east side of the creek. The names given to the creeks corresponded with the distances measured from Fort Hamilton, and their names are retained to this day. The army continued its march to the north and passed near where the eastern line of Milford township in Butler county is now located. The slow progress was intended for the accommodation of General St. Clair, who arrived from Camp Washington on the sixth day of October and took command.

It is unnecessary to follow this army on its onward march to Fort Greenville and beyond to final defeat on the fourth day of November, 1791. The disaster filled the whole country with sorrow, and much criticism was provoked by the result of the campaign. Among the slain was the gallant General Butler. General St. Clair, however, was honorably acquitted of all blame by the committee of congress appointed to inquire into the causes of the failure of the expedition. The reason, perhaps, is as well explained by the fact that he had been indisposed for some days past with what at times appeared to be "a bilious colic, sometimes a rheumatic asthma, and at other times symptoms of

the gout." He continued to exercise the duties pertaining to the office of governor of the territory from 1787 to 1802, inclusive, and to the last, says Marshall, in his life of Washington, he retained the undiminished esteem and good opinion of President Washington.

The feeling occasioned by the disaster near Fort Greenville was of such a character that General St. Clair resigned his commission in the army. He was succeeded by Anthony Wayne who had gained the name of "Mad Anthony" because of his desperate and successful attack on Stony Point, which also won for him a gold medal from congress. He went down the Ohio from Pittsburg about twenty miles and was there joined by Lieutenant William Henry Harrison, who afterwards defeated Tecumseh at Tippecanoe, and became President of the United States. He first encamped at "Hobson's Choice," between Fort Washington and Mill creek, and afterwards advanced to Ludlow's Station, from which place on the seventh day of October, 1793, with an army of twenty-three hundred men, he marched to Fort Hamilton, through where the village of Springdale now stands, and then on to the site of the present town of Greenville. He took a different line of march from St. Clair, and crossed the Miami some distance above the Four-Mile creek, and then encamped near the Five-Mile spring, which may be seen on the east side of the road to Eaton. A party of mounted riflemen detailed to protect his supplies was attacked at Fort St. Clair, about one mile south of Eaton, and several were killed and all the horses taken off. Joel Collins, whose remains were followed by the students of Miami University to the Oxford Cemetery, on the seventeenth day of November, 1860, participated in that action. On the twentieth

day of August 1794, at the battle of the "Fallen Timbers," near the Maumee rapids, he defeated the enemy and marched his army almost under the British guns at Fort Miami. Wayne afterwards retired with his army to Fort Defiance, while the defeated and disheartened Indians retreated to the borders of the Maumee Bay. After building a strong fortification, which they called Fort Wayne, and garrisoning it with infantry and artillery, the remainder of the troops marched to Fort Washington to be discharged from the service, or to Fort Greenville, where headquarters were established for the winter. Many of the soldiers who served in Wayne's campaign located at Fort Hamilton.

In the summer following the Indians came for peace, and on the third day of August, 1795, with nearly eleven hundred chiefs and sachems present, representing twelve powerful tribes, a definite and satisfactory treaty was signed and the pacification of the Indians of the northwest made complete. The frontier military posts were soon abandoned by the British troops by a special treaty and for many years the settlements were secure from any annoyance on the part of the Indians. This security, of course, encouraged immigration, and the whole Miami country began a new era of prosperity.

The services which Anthony Wayne rendered to his country, and particularly to this valley, cannot be forgotten. He conquered the hostile Indians who had become aggressive by victory, and compelled them to ask for peace upon terms of his own dictation. He redeemed the character of the army of the northwest from the reproach of overwhelming defeat, and inspired hope and confidence and security in every home on the frontier.

Robert McClellan, who shot the last elk that was killed in the Miami country; John Wingate, who died at Symmes' Corner, April 14, 1851, and Isaac Paxton, the old silversmith, of Hamilton, served throughout this entire campaign.

General Wayne died at Presque Isle, on his way to the seat of government, in 1796, in the fifty-second year of his age, after having received the surrender of the northwestern posts held by the British, including Fort Miami, and was buried at Erie, Pennsylvania, with the honors of war. His remains were afterwards removed to Chester county, Pennsylvania, the place of his nativity, where he sleeps the last sleep. The benedictions of this valley will follow the old hero, and his memory will live in the grateful recollections of this people.

There was another expedition of sad interest—though not warlike in its character—to the people of the valley. In January, 1792, General James Wilkinson, who then commanded at Fort Washington, made a call for volunteers to accompany an expedition to the scene of St. Clair's defeat, for the purpose of burying the dead. Ensign William Henry Harrison was attached to one of the companies of the regular troops. The volunteers numbered more than two hundred and fifty mounted men, and two hundred regular soldiers from Fort Washington. They began the march on the twenty fifth day of January, 1792, from Fort Washington, and encamped on the hill near the site of Farmer's College—known as Lovers' ridge—where they remained one day and two nights, for the purpose of completing the organization. Captain John S. Gano was here elected major. They crossed the Big Miami on the ice, with horse and baggage, at Fort Hamilton,

on the twenty-eighth day of January, near where the railroad bridge spans the river, and encamped at Seven-Mile creek that night.

The general in command issued an order at Fort Jefferson abandoning one object of the campaign, which was a demonstration against an Indian town on the Wabash, not far distant from the battle ground of St. Clair. The regular soldiers, all on foot, returned to Fort Washington. The expedition reached the scene of disaster at eleven o'clock, but for a long distance along the road and in the woods, the bodies of the slain could be seen scalped, in many instances, and mutilated by the wild beasts.

It is said that the body of General Richard Butler was recognized where the carnage had been the thickest and among a group of the slain. The bodies were gathered together, and in the solitude of the forest, and amidst the gloom of winter, were given a last resting place. The sighing of the trees will be for them a perpetual requiem. Captain Brice Virgin, who lies buried at the Princeton graveyard cemetery, served under the command of Captain John S. Gano in this expedition.

The early settlements in the valley were commenced by the erection of a blockhouse, near which the cabins were erected. The whole was then inclosed by a picket fence. The clearing was then commenced and the ground prepared for planting. A sentinel was continually placed on duty to warn of approaching danger. The early militia laws actually required all able-bodied persons attending church on Sunday, under penalty of fine, to carry arms and ammunition. Eternal vigilance was the price of safety.

The Indians necessarily regarded the settlements

with great jealousy. They really meant the permanent occupation of the country, and that the hunting-grounds of their fathers should become the possessions of the white man forever.

The settlement commenced by Dunlap, at Colerain, on the Big Miami, not far from Venice, was the first interior settlement from the Ohio river in the Miami country. On the tenth day of January, 1791, the Indians invested the fort in large numbers, led, it is supposed, by the infamous Simon Girty—a renegade white man. The day before a surveying party, under the direction of Abner Hunt—a surveyor under Judge Symmes—was exploring the Miami bottoms in the vicinity. In the morning, just as the women were milking the cows within the inclosure, the Indians made their appearance and fired a volley. Hunt, whom they had taken prisoner, was brought forward with his arms pinioned and mounted on a stump, within speaking distance of the garrison. The Indians promised that life and property should be spared in the event of a surrender. The officer in command of the garrison declared to the Indians that Judge Symmes would soon be to their relief with the whole settlement on the Ohio. The Indians told the officer that he lied; that Judge Symmes had gone to New Jersey; that they had five hundred warriors, and that unless they surrendered immediately they would all be massacred and the station burned. The officer replied that he would not surrender even if he were surrounded by five hundred devils, and immediately jumped down from his position overlooking the picket. A ball from the enemy struck the plume from his hat. The prisoner was then put to death by the most cruel torture in the very sight of the garrison. The attack commenced immediately

from behind stumps and trees and logs. The Indians ran with burning brands to fire the pickets and the cabins, and in the night threw blazing arrows from their bows against the stockade and upon the roofs of the buildings, with the intention of firing them. The attack was continued without intermission during the whole of the next day and the succeeding night. They raised the siege on the morning of the eleventh and marched away. The garrison consisted of only eighteen soldiers and eight or ten settlers capable of bearing arms. The Indians were estimated at from three to five hundred warriors, and the Chief, Blue Jacket, was supposed to be among the number. The women rendered good service by exhibiting the caps of the soldiers on sticks to draw the fire, and melting their pewter plates and spoons for bullets.

Olden, in his *Reminiscences of the Early Settlements of Hamilton County,* doubts the presence of Blue Jacket, and thinks that the number of Indians engaged in the assault was less than one hundred. He believes that it was a party fitted out for the purpose of hunting and plunder, and that the attack on Dunlap was merely incidental.

The settlers at Columbia marched immediately on hearing the news for the relief of the fort. They formed under the command of Lieutenant Luke Foster (who afterwards settled on a farm two miles below Springdale, and died in 1851, in his eighty-eighth year), and were joined at Fort Washington by a company from the garrison. On reaching the hill overlooking the plain on which the fort was located, they found that the Indians had retreated.

John Reily, the father of Butler county; Samuel Davis, who lived in Wayne township; Samuel Dick,

who rests in the old burying ground at Bethel, near Venice; and Thomas Irwin, who is buried near Monroe, all volunteered in the assistance of the garrison.

The Indians destroyed the corn and opened the turnip and potato mounds so as to expose them to the frost. A garrison was kept at Dunlap's Station until Wayne's Treaty gave peace to the frontier.

The settlement at North Bend was attacked by the Indians with a loss of one man killed and several wounded.

On the nineteenth of October, 1793, there was an attack made on White's Station, on the old Hamilton road, at the third crossing of Mill creek. This station was located near where the aqueduct of the canal crosses Mill creek, adjoining the fair grounds at Carthage. The Indians numbered about thirty and were sheltered behind the trees south of where the residence of William R. Morris now stands. They were led by a chief of gigantic stature, who was shot while scaling the fence, and his body brought within the inclosure the next morning.

Colonel Robert Elliott, a contractor for supplying the United States army, was killed near the Big Hill, south of the old Fleming place, in 1794, while on his way from Fort Washington to Fort Hamilton. The next day, a party from the fort visited the spot, placed the body in a coffin and proceeded to Fort Washington. About a mile south of Springdale, they were fired upon by the Indians, and the servant who was riding the horse of Colonel Elliott was shot at the first fire. The party retreated, leaving the body with the savages, who had broken open the coffin. The party rallied, retook the body with that of the servant, and buried them side by side in the Presbyterian cemetery on

Twelfth street. There are many here to-day who will remember the monument erected by his son, Commodore J. D. Elliott, of the navy.

In *McBride's Notes* we are told how John Reily purchased a tract of land on which Carthage is now laid out, and associated Mr. Pryor with him for the better protection of each other. After some time, Mr. Pryor, in company with his other men, went from Fort Washington to Fort Hamilton with provisions on pack horses. On their way back, they encamped on a branch of Pleasant run, four miles south of Hamilton, on land afterwards owned by Aaron L. Schenck. The road then traveled passed about a quarter of a mile east of the old Schenck homestead. In the morning they were attacked by the Indians and Pryor was killed.

The great highway from Fort Washington to Fort Hamilton, over which had been wagoned or packed all the supplies and munitions for Wayne's army, passed near White's Station. Four pack horsemen in the government service, while stopping at the little stream below Carthage to give their horses drink, received a volley from a small band of Indians concealed in the thicket. One was instantly killed, and was buried on the spot, while another soldier was so severely wounded, that he died at Ludlow's Station. This event gave the name of Bloody run to the stream, by which it is still known.

We stand to-day on historic ground. We are within the inclosure of Fort Hamilton—constructed by Arthur St. Clair, enlarged by General Wilkinson, and important to the early settlement of the country, because it was the first post between Fort Washington and the tribes of the northwest.

The fort was built in September, 1791, and consisted originally of a stockade fifty yards square, with four good bastions and platforms for cannons in two of them, and with barracks for a hundred men. In the following summer an addition was made to the fort by order of General Wilkinson, which consisted in inclosing the ground on the north part, so that it extended up the river to about the north line of the present Hydraulic street. The southern line extended to about the site of the United Presbyterian church, and from the river east as far as the ground on which the Universalist church now stands. The ground east of the fort, extending as far as Second street, including the court house square and High street, was used as a burying ground for the garrison. Those, doubtless, who followed St. Clair to defeat and Wayne to victory, sleep to-day on these very grounds. It is said that as late as 1812 a paling inclosing a single grave stood in the middle of High street, opposite the Hamilton hotel. The well near the residence of John W. Sohn was used by the garrison.

That portion of Hamilton north of Dayton street was a beautiful natural prairie, and all the rest of the ground from near Front street to where the Canal is located—except the graveyard—was covered with a dense growth of scrub oaks and blackjacks, with hazel bushes and wild vines in profusion.

In September, 1793, the army of Anthony Wayne encamped on the upper part of the prairie, about a half mile south of the present town, and nearly on the same ground where St. Clair encamped in 1791. The breastworks thrown up could be traced many years afterwards, at the point where the road strikes the Miami river above Traber's mill.

The town of Hamilton was laid out by Israel Ludlow in December, 1794, and was first called Fairfield. The early inhabitants—so tradition says—were chiefly soldiers who had been attached to Wayne's army, and remained there at the close of the campaign. It is said that active military life had unfitted them for pioneer work, and even led some to dissipation. This may be explained, however, by the fact that fever and ague prevailed to a great extent, and that the use of intoxicating liquors, medicinally prescribed, could not be "shaken off."

The first legislature which assembled under the new constitution commenced its first session at Chillicothe, on Tuesday, March 1, 1803, and on the twenty-fourth day of the same month passed an act for the division of the counties of Hamilton and Ross. The county of Butler was organized under this act, and on the tenth day of May, 1803, the associate judges of the court of common pleas of Butler county met for the purpose of organizing the county. The first regular term of the court of common pleas of Butler county began on Tuesday, July 12, 1803, and the first term of the supreme court for Butler county was opened on the eleventh day of October, 1803.

This grand old county had not then been educated up to the modern system of taxation, and subscriptions to the amount of fifteen hundred dollars were received in "money, whisky, grain, stone, lime, brick, timber, mechanical work, labor and hauling," for the erection of a suitable place for the sitting of the court, and a more secure place for the confinement of prisoners.

In 1804, under the administration of Thomas Jefferson, a postoffice was established at Hamilton, and this was the only mail route in the interior of all the Miami

country. There was then no postoffice west of the Miami river.

The county of Butler to-day may well challenge comparison with any county in Ohio in the number of its broad acres, in the character of its soil and timber, in its churches and institutions for orphaned children, in the relief which its hands extend to the needy, and in the charity which it offers to the unfortunate, in its homes where comfort and culture and happy children make welcome the guest, in its influences for morality and good citizenship, and in the speedy and impartial administration of justice.

Of the sons of the Miami valley, either by birth or adoption, two have filled the presidential chair, ten have been governors of Ohio, nine have been United States senators, one has been chief justice, and two have been associate justices of the supreme court of the United States; some have sat on the supreme bench of Ohio, others have been members of the most important committees in congress, and largely directed the legislation of the country; many were gallant soldiers in the war of 1812, and more rendered patriotic service on every battlefield in the war for the Union.

On this anniversary of our independence, we reverently do honor to the memory of the gallant Butler and those who fell with him on that day of dreadful disaster on St. Clair battlefield, to the memory of those tried and heroic men who followed Anthony Wayne and perished at last at the Fallen Timbers, to the memory of those patriotic spirits who heard the thunder of Perry's gun and defended the honor of their country against British domination in the War of 1812, to the memory of those who carried the flag on the fields of Mexico and planted the banner of the Republic

on the Halls of the Montezumas, to the memory of those hardy pioneers who protected the frontiers and saved defenseless settlements from the tomahawk and scalping knife, to the memory of every man whether on land or on sea who has lifted up his hand for his country.

Who can predict the future of the Republic? Who can estimate that which is beyond? Men of the Miami valley, men of Ohio, men, in a higher and nobler sense, of the United States of America, this is our country, our home, our sign among the peoples of the earth.

Let us, then, with gratitude for the past and with hope and confidence for the future, do all that within us lies to magnify American citizenship and advance the interests of the Republic. Let us in the spirit of a generous magnanimity invoke the benediction of the Most High for all parts of our common country, so that all things may be ordered and settled upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations.

MEXICAN WAR: CAUSES AND RESULTS

In the year 1800, Latour d'Auvergne, a descendant of Turrenne, fell on the field of battle. He had joined the French army in the place of his son, and so exemplary was his conduct, that he was named "the first grenadier of France." Napoleon directed that the heart of Latour d'Auvergne, who fell at the battle of Neubourg, should continue to be carried ostensibly by the quarter master sergeant of the grenadier company of the forty-sixth, in which he served. His name was preserved on the roll, and when called the corporal of the guard to which he had belonged answered: "Dead on the field of honor."

We stand to-day in the presence of the veteran soldiers and sailors of the Mexican war, who went out to maintain the honor of the American flag, whose achievements have enriched the history of their country, and who returned to share the benefits of the government which they defended on distant battlefields. We bespeak for them for all time the affection and respect of their countrymen. The trust confided was faithfully fulfilled, and the flag which they carried was not dishonored on a single field.

They did not all return. Some fell in the charges at Palo Alto and Resaca de la Palma, under Taylor, before even the declaration of war with Mexico; some in the storming of Monterey, on the very streets of

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Delivered Before the National Association of the Veteran Soldiers and Sailors of the Mexican War, at the Grand Opera House, Cincinnati, Ohio, September 15, 1881.

the city; some in the desperate and bloody conflict at Buena Vista, amidst the roar of the artillery of Bragg and Washington and Sherman; some under the walls of the strong castle of San Juan d'Ulloa, under Scott; some went down to death at Cerro Gordo before their eyes could see the unfurling of the stars and stripes by Worth on the slopes of the mountains; some perished by disease and camp fever before even their comrades from the lofty summits of the great Cordilleras looked down upon the glorious panorama of lakes and cities and plains, and homes and villages in the grand valley of Mexico; some fell under the embattled walls of Cherubusco, under Twiggs; some gave up their lives in the attack at Contreras, under Persifer F. Smith; some were slain by the guns of the proud Chepultepec; many, after privations of camp and wounds from battle, died before their eyes could be gladdened by the flag of their country floating in triumph from the national palace of the haughty city of Montezumas, which told of the conquest of the Mexican empire.

They are dead on the field of honor, and a great Republic, mighty in its perfect unity, guards with tender care the memory of those who lifted up their hands, whether on land or on sea, for their country and for the honor of the flag.

Thirty-four years ago yesterday at ten o'clock in the morning, the army of the United States, under General Winfield Scott, entered the city of Mexico, and on the grand plaza raised the flag of the United States and took formal possession of the Mexican empire. Santa Anna made some effort to regain lost power, but before the close of October he was an exile, and sought safety in flight to the shores of the Gulf of

Mexico. The president of the Mexican congress assumed provisional authority, and on the second day of February, 1848, that body concluded a treaty of peace with the commissioners of the United States. This treaty was finally agreed to by both governments, and on the fourth day of July following, President Polk proclaimed the peace to the country. One generation of men has passed away since that day in September, and it is perhaps not too soon to judge of the causes that led to and the results which have followed from the war with Mexico. The passions of men and the clamor of partisan prejudice no longer influence public judgment to any marked extent.

The Republic of Mexico, in all the changes of her political condition, never possessed a firm or stable government since 1821, when she ceased to be one of the dependencies of the Spanish crown, except during the first presidency under the federal constitution. The government of the United States sympathized with her people in their prolonged struggle for independence, and was the first to recognize her separate existence. It was expected that the very geography of the two countries would create commercial and social ties of an enduring character; but the habits and tastes of the Mexican people unfitted them for the maintenance and enjoyment of constitutional liberty, and the country became the prey of military despots. The constitution of 1824, was nominally preserved throughout all these dissensions, but in October, 1835, it was set aside by Santa Anna, and the country divided into departments, with governors appointed by the central authorities. The southern provinces generally submitted, but those at the north refused until submission was enforced by the presidential dictator, who had

broken the league of federation. Texas alone refused to surrender her sovereignty, and maintained a successful resistance against the armies sent to subdue her. There was no material change in the consolidated government formed in 1835, until the year 1846. The authorities then resorted to most arbitrary proceedings. Vessels sailing under the American flag were seized, the goods of our merchants confiscated, and the owners or their agents imprisoned with impunity in Mexican dungeons. There were renewed violations of public law and private rights by every succeeding usurper. Promises of redress were postponed and remonstrances were followed by new acts of depredation. The President of the United States, in his message of December, 1846, says, although a treaty of amity, commerce and navigation had been concluded, "the course of seizure and confiscation of the property of our citizens, the violation of their persons, and the insult to our flag pursued by Mexico previous to that time were scarcely suspended, even for a brief period." The indignities upon the officers and flag of the United States were repeated, and applications for the redress of grievances were so unavailing that President Jackson, in his message of February, 1837, said: "To avoid all misconception on the part of Mexico, as well as to protect our national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained in a repetition of a demand for it. To this end I recommend that an act be passed authorizing reprisals and the use of the naval force of the United States by the executive against Mexico, to enforce them in the event of a refusal by the Mexican government to come to an ami-

cable adjustment of the matters in controversy between us, upon another demand thereof made from on board one of our vessels of war on the coast of Mexico." The two houses of congress even then entertained the same opinion with the president that the government of the United States would be fully justified in taking redress into her own hands; but in order, as one writer says, that the equity and moderation with which she had acted toward a sister Republic might be placed beyond doubt or question, they advised the experiment of another demand, to be made in the most solemn form. The annual message of President Van Buren in December, 1837, informed congress that "For not one of our public complaints had satisfaction been given or offered; that but one of the cases of personal wrong had been favorably considered; and that but four cases, of both descriptions, out of those formally and earnestly pressed, have, as yet, been decided upon by the Mexican government."

Negotiations were entered into for the settlement and payment of American claims, and the sum acknowledged and awarded to the complainants by the joint commission and the umpire was admitted by the Mexican government, but the installments commencing with that payable in April, 1844, were still due by Mexico at the time of commencement of hostilities. The relations existing between the two countries were far from being of a friendly or pacific character at this time, but the negotiations for the acquisition of Texas intensified the feeling and made war possible. The Texan convention assembled on the first day of March, 1836, and on the following day made a formal and absolute declaration of independence. A constitution was adopted and submitted to the people for

ratification. The government went into operation and continued to exercise its functions until 1845. The government of the United States promptly recognized the independence achieved at San Jacinto by the defeat of Santa Anna, and the example was soon followed by Great Britain, France, Belgium and other powers of Europe.

The citizens of Texas were largely American, and they wished to enjoy the privileges and institutions for which their fathers had fought as the inheritance which properly belonged to them. The question of annexing the young Republic to the United States was referred to the people by the convention of 1836, and there was almost a united vote in favor of the measure. This was refused by President Van Buren on the grounds that while a state of war existed between Mexico and Texas, and the United States remained at peace with the former, the existing treaty of amity and commerce should be faithfully observed so long as Mexico performed her duties and respected the rights of the United States. A formal proposition was made for the annexation of Texas to the United States by the secretary of state under the direction of President Tyler, and on the twenty-ninth of December, 1845, Texas was admitted into the Union, Santa Anna, the President of Mexico, expressed the determination of Mexico to reconquer Texas, and followed the announcement by a requisition for thirty thousand men and four millions of dollars to carry on the war. It was declared by a proclamation that the annexation in no respect destroyed the rights of Mexico, and that she would maintain them by force of arms. Two decrees of the Mexican congress were affixed to this proclamation providing for calling all the available force of the na-

tion. Under these circumstances the diplomatic intercourse between the two Republics was interrupted, and a state of war practically existed from the spring of 1845, until the commencement of actual hostilities between the Republics. It may be said, however, that apprehensions of a war growing out of the annexation were entertained by President Tyler and his cabinet even at this time. On the fifteenth of April, 1844, three days after the treaty was signed, confidential instructions were sent to Commodore Connor, in command of the home squadron, to concentrate his force in the Gulf, and show himself occasionally before Vera Cruz. Orders were also issued on the twenty-seventh of April to Brevet Brigadier-General Zachary Taylor, of the First Infantry, then in command of the first military department, and stationed at Fort Jessup, Louisiana, to which post he had been transferred but a few days previous. The force under his command had largely been increased, and he was instructed to communicate confidentially with the president of Texas. These precautions were deemed necessary, and justified by threatened hostilities on the part of Mexico.

At the opening of the session, President Polk informed congress that the army had been "ordered to take a position in the country between the Neuces and the Del Norte (Rio Grande), and to repel any invasion of the Texan territory which might be attempted by the Mexican forces." The claim originally made by Texas to the left bank of the river was asserted by the government of the United States from the beginning of the project of annexation until and after the commencement of the war, with the perfect willingness to negotiate upon all questions of boundary that might arise with other governments.

In December, 1836, when the law fixing the boundaries of Texas was passed, that Republic was in the possession of the disputed territory, and her civil and political jurisdiction extended to its frontiers. Custom-houses, post-offices and post-roads and election precincts were established west of the Neuces river. The public lands between the River Neuces and Rio Grande were surveyed and sold, and all the evidences of grants and transfers and titles subsequent to the Revolution of 1834, were entered among the records of Texas. Mexico herself silently admitted the claim of Texas to the Lower Rio Grande, although as a general thing she made no distinction in regard to any part of the country between that river and the Sabine. Her claim extended to the whole of Texas and the comparatively unimportant question of boundary was merged in the greater one of title. Mexico claimed the absolute title and always insisted upon every part and parcel of Texas. The battle of San Jacinto was not regarded as conclusive of any claim, and she adopted, either voluntarily, or by compulsion, a limit to her territory, and that limit was the Rio Grande. The southern and western banks of the river formed the outer limit of her military posts and fortifications. Her flag went no further.

Mexico undoubtedly considered every attempt for the establishment of the authority of the United States over her territory as an act of hostility, and in the proclamation of April twenty-third, 1846, declaring war, the annexation of Texas is the principal grievance, and others but so many incidents.

Even as late as the month of September, 1845, the government made another attempt to restore diplomatic relations with Mexico, and an envoy was sent, en-

trusted with full power to adjust all the questions in dispute between the two governments. The history of this mission is the history of bad faith on the part of the Mexican administration, and a reply was returned to Mr. Slidell communicating the positive determination of the Mexican government not to receive him. The President being fully aware of the hostile feelings of the Mexicans, ordered General Zachary Taylor, then in command of the troops in the southwest, to proceed to Texas and take a position as near the Rio Grande as possible. This force was fifteen hundred strong and was called the Army of Occupation for the defense of Texas. Commodore Connor, with a strong squadron, sailed at the same time for the Gulf of Mexico to protect American interests there.

General Taylor first landed on the twenty-fifth of July, 1845, on St. Joseph's Island, and there the flag of the United States was first displayed in power over the Texan soil. It was hailed with delight by a people struggling to be free. The secretary of war, in January, ordered General Taylor to advance to near the mouth of the Rio Grande, because Mexican ships were sailing in that direction, with the evident intention of invading Texas. On the twelfth day of April following, the Mexican authorities sent a letter to General Taylor demanding his withdrawal in twenty four hours. The situation of the Army of Occupation was now becoming critical, inasmuch as parties of armed Mexicans had gotten between General Taylor and his stores and had cut off all inter-communication. An American reconnoitering party of sixty dragoons, under Captain Thornton, was killed or captured on April twenty-fourth, 1846, on the Texas side of the Rio Grande. This was the first blood shed in the Mexican war. Sixteen

Americans were killed, but Captain Thornton escaped. General Taylor marched for the Rio Grande on the seventh of May, 1846, with a little more than two thousand men, having been reinforced by Texas volunteers and marines from the American fleet then blockading the mouth of the Rio Grande. At noon on the eighth of May, 1846, the Army of the Occupation discovered the Mexican army under Arista, full six thousand strong, drawn up in battle array upon a portion of prairie flanked by ponds of water and beautified by trees, which gave it the name of Palo Alto. General Taylor formed his army and pressed to the attack. For five hours a hot contest was maintained, when at twilight the Mexicans gave way and fled, and victory, thorough and complete, was with the Americans. Among the fatally wounded were Captain Page and the gallant Major Ringgold, of the Flying Artillery, who died four days after the engagement at the age of forty-six—too soon for his country. At two o'clock on the morning of the next day the army was awakened by a summons to renew the march to Fort Brown. They saw no evidences of the enemy until toward evening, when they discovered him strongly posted in a ravine called Resaca de la Palma, or Dry River of Palms, and drawn up in order of battle. A shorter but bloodier conflict than that of Palo Alto, on the previous day, ensued, and again our troops were victorious. The intelligence of the first bloodshed in the attack upon Captain Thornton, and a knowledge of the critical situation of the Army of Occupation, aroused the whole country, and before even the battles of Palo Alto and the Resaca de la Palma were known in the states, congress had declared that "by the act of the Republic of Mexico a state of war exists between that govern-

ment and the United States." The battles occurred on May eighth and ninth; the declaration of war was made on May eleventh, 1846, and on May thirteenth, 1846, the President was authorized to raise fifty thousand volunteers, and ten million dollars were appropriated toward carrying on the war. On the eighteenth of May, 1846, the Army of Occupation crossed the Rio Grande, and as the stars and stripes were flung to the breeze in Mexican territory there were loud cheers along the whole line.

The historian says that the secretary of war and general Scott planned within two days a campaign greater in the territorial extent of its proposed operations than any at that time recorded in history. A fleet was to sweep around Cape Horn and attack the Pacific coast of Mexico. An "Army of the West" was to gather at Fort Leavenworth, invade New Mexico, and co-operate with the Pacific fleet. An "Army of the Center" was to rendezvous in the heart of Texas, the center of Austin's settlement, and invade Old Mexico from the north. On the twenty-third day of May the Mexican General made a formal declaration of war against the United States. The news of these brilliant victories reached the States, and bonfires and illuminations and demonstrations were made in all the great cities. On the eighteenth day of May he crossed the Rio Grande and prepared to march into the interior. On the thirtieth of May, General Taylor was rewarded for his skill and bravery by a commission as major-general by brevet. The first division of his army was under General Worth, who had been a gallant soldier in the war of 1812, and afterward received the gift of a sword from congress. For his gallantry afterward

at Monterey he was made a major-general by brevet. He died in Texas, in May, 1849, and a magnificent granite column in Broadway, erected by the corporation of New York, attests the appreciation in which his memory is held by the people of his native State.

General Taylor advanced to Monterey, and on the twenty-first of September commenced the siege. The stronghold was defended by Ampudia, with more than nine thousand men. The conflict continued for nearly four days, and a part of the engagement was within the walls of the city. There are doubtless those here to-day who will remember that strongly fortified town as it appeared in the morning sunlight at the foot of the great Sierra Madre on the march to the interior. Ampudia surrendered, and General Taylor advanced to Walnut Springs and awaited orders.

General Winfield Scott who was brevetted major-general in 1814, and was made General-in-Chief of the armies of the United States in 1841, arrived before Vera Cruz, and being the senior officer, assumed command for the purpose of invading Mexico from that point.

General Taylor now received an order from General Scott to send to him a large part of his command —both officers and men—and to act thereafter only on the defensive.

General Taylor, like a true soldier, obeyed the order, although visions of military fame were opening before him, and that officer and General Wool were left with only five thousand men to oppose an army of twenty thousand men then gathering under Santa Anna.

Old Rough and Ready was determined to fight, even with this inferior force. The Americans fell back

to Buena Vista, and there, in a narrow defile in the mountains, encamped in battle order.

On the anniversary of the birthday of Washington the Mexican army approached within two miles, and Santa Anna assured General Taylor by letter that he was surrounded by twenty thousand men, and could not escape. General Taylor replied that he declined acceding to the request.

Early in the morning of the twenty third a terrible conflict commenced and continued until sunset. Santa Anna repeated his assault on the American line. It stood like a rock, and with the heroic resistance of the batteries of Bragg and Washington and Sherman and O'Brien, the enemy was driven back. Among the slain were Colonel Hardin, Colonel McKee, Colonel Yell, and the gallant Lieutenant-Colonel Henry Clay, Jr., of Kentucky. During the night the Mexican forces withdrew, leaving their dead and wounded behind them. In the course of a few months General Taylor left General Wool in command and returned home. He received everywhere tokens of respect and affection from his countrymen.

The command of the Army of the West was intrusted to General Kearney, with instructions to conquer New Mexico and California. That officer marched without resistance to Santa Fe, the Capital of New Mexico, while the conquest of California had already been achieved. The Mexican authorities were driven out, and on the fifth day of July, 1846, the Californians declared themselves independent of Mexico, and placed Fremont at the head of affairs. Commodore Stockton, Fremont, and General Kearney shared in the important events which completed the conquest and pacification.

The command of Colonel Doniphan entered the Capi-

tal of Chihuahua in triumph, and raised the flag of the United States upon its citadel. The conquest of New Mexico and California was now complete.

Buena Vista was the Gettysburg of the Mexican War. Secretary Marcy in his letter to General Taylor of April 3, 1847, says that it will ever be a proud distinction to have been in the memorable battle of Buena Vista. The defeat of the army of General Taylor would have been its destruction. Victory for the Mexican forces would have turned the tide of invasion. The triumphant army of Santa Anna would have passed through the gate of the mountain into the valley of Rio Grande. The flag of Mexico would indeed have been planted on the banks of the Sabine.

The whole nation, too, would have been animated by an enthusiasm that would have sent almost every available soldier to the field, enlistments would have been stimulated. The factions would have been silenced. Mexico, relying upon her seven million of united people and her mountain passes, would have strongly resisted any attempt to march to her capital. Every advantage which had been achieved on the field from Palo Alto to that time, would have been lost and the war would probably have been prolonged for years. The command of Colonel Doniphan would have been cut off and likely destroyed. It was a day of immense interest to the Republic.

The army under Santa Anna was called the "Liberating Army of the North." It was the pride and hope of every patriotic Mexican. It marched to the airs of inspiring music, and with all the pomp and magnificence of war. The footfalls of the legions were thought to be the very tread of victory. It was commanded by the President of the Republic in person.

It went forth confident of success and was followed by the prayers of mother and sister. The address of Santa Anna, almost in the very presence of the enemy, called upon his soldiers to look upon their country and to remember that its fair fields were being ravaged and their very hearth and homes made desolate, and on the evening of the first day of the battle, the air over both armies was made vocal by the music from Santa Anna's own band.

The judgment of Taylor, the coolness of Wool, the grape of Captain Bragg, and the undying heroism of our soldiers, brought victory to our arms. The Mexican army—notwithstanding the declaration of victory on the part of Santa Anna—lost heart from that hour and despaired of success. No further attempt was seriously made to molest the American forces on the line of the Sierra Madre and in the valley of the Rio Grande. It filled the States with bon-fires and illuminations and rejoicing, and its hero became the twelfth President of the United States.

The Mexican authorities scorned the overtures of peace made by the government of the United States in the autumn of 1846. It was then determined to conquer the whole country. The city of Vera Cruz was invested, and the strong Castle of San Juan d'Ulloa with five thousand prisoners and five hundred pieces of artillery, surrendered to the Americans. It is impossible to-day to recount the campaign which commenced with the victory of Palo Alto, and ended with the capture of the city of Mexico. The army advanced to the old capital of the Aztec empire, only to find the strong fortress of San Antonio and the walls of Cherubusco defiant with cannon and approached in front by a dangerous causeway. Near at hand was the fortified camp

of Contreras, with six thousand of the enemy, while between the camp and the city itself, lay Santa Anna with twelve thousand men. The battle opened at sunrise with an attack on Contreras, in which our troops were victorious. A similar movement was then directed towards Cherubusco. The whole surrounding became a battlefield under the command of General Scott and Santa Anna. San Antonio fell, Cherubusco was taken, and the Mexico commander abandoned the control and fled to the capital. An army, thirty thousand strong, had been utterly demoralized by another less than one-third its strength. Four thousand of the Mexicans were killed and wounded, three thousand were made prisoners and thirty-seven pieces of artillery were captured.

General Scott submitted overtures of peace to the beleaguered city, but the propositions were treated with scorn, and Santa Anna even violated the armistice by strengthening the defenses of the city.

The first demonstration was made on the morning of the eighth of September, 1847, when less than four thousand Americans attacked fourteen thousand Mexicans under Santa Anna at El Molinos del Rey, the King's Mills. This was the most desperate struggle of the war. The enemy left almost one thousand dead on the field, while the Americans lost about eight hundred men. The haughty Chepultepec was doomed, and after a gallant charge the banner of the republic floated over the broken castle. That very night Santa Anna fled from the capital, and on the next morning at ten o'clock the stars and stripes were planted upon the national capital, and in the grand Plaza Generals Worth and Quitman took formal possession of the

Mexican empire. The war was practically over. The pride of Mexico had been humiliated.

The division of General Worth was the last to leave the capital. On the morning of the twelfth of June, 1848, it took up the line of march for Vera Cruz. The American flag after having been saluted by the Mexican artillery, was lowered from the national palace and the Mexican standard once more floated over the city. The flag of Mexico was saluted in turn by the battery of Lieutenant Colonel Duncan, which had been the first to open its thunder on the battlefield of Palo Alto.

A peace had been conquered, Palo Alto, Resaca, Monterey, Buena Vista, Cerro Gordo, Chepultepec, Cherubusco, El Molinos del Rey, Contreras, Vera Cruz, Mexico had passed into history, to be judged by the impartial tribunal of mankind; the veterans of Mexico returned to the vocations of peace. The honor of the country had been vindicated on every field. Those who survived the bullet of the enemy and the fever of the camp were welcomed as the defenders of their country's honor, while those who survive to-day have not only just claims upon the gratitude and affection of their countrymen, but just demands upon the bounty of the government, whose honor they vindicated.

The President of the Mexican congress assumed provisional authority, and on the second day of February, 1848, that body concluded a treaty of peace with commissioners of the United States, which was finally agreed upon by both parties, and on the fourth day of July, 1848, peace between the United States and Mexico was proclaimed by the President of the United States. The war added to our territory a tract of country exceeding five hundred thousand square miles.

The conquest of New Mexico and California, though bloodless in comparison with the other military operations conducted in other parts of the Republic, has been incalculable in respect to commercial advantages. There were no powerful armies in the field; few victories were won, but the officers of the army and navy discharged their whole duty to their country. The harbor of San Francisco is one of the best on the continent, and its importance in connection with the commerce of the Asiatic governments can not be overestimated. With a line of railroad now extending from one ocean to the other, we can stand on the shores of the Atlantic instead of the Pacific, and pointing westward, say: "Yonder is India and China and Japan and the islands of the seas."

It made secure the acquisition of Texas to the Union, and fixed the Rio Grande as the boundaries of the Republic. It demonstrated, too, at that period of our national existence, the ability of the country to vindicate national honor and to maintain national rights; her capacity for war either defensive or offensive, and that a citizen soldierly prompt to obey and ready to brave the danger of war and the vicissitudes of an unfriendly climate will respond cheerfully to the demands of patriotism.

The gigantic proportion of our late civil contest need not pale the achievements of the Mexican war. It is true that our armies were picked up on the banks of the Potomac and dropped on the banks of the Tennessee and the Cumberland, and that the nation heard the shouts of a million of men as they passed on to the ranks of war; but the individual valor of the battlefields of Mexico was as strong and as heroic, and the self-sacrifice of the soldiers, who lingered by disease

in camp, was as patriotic as found in any camp or on any field in the war for the Union.

The leg which Santa Anna lost at Vera Cruz was even buried with pompous ceremonies in the cemetery at Santa Paula, near the capital, and a magnificent monument, surmounted by the national emblem, announced to the world the sacrifice which he had made for the country. This Republic, with all its elements of greatness, can not afford to be ungrateful to those who defend its honor. The heart of the people must always beat high at the recital of brave deeds and heroic sacrifices, whether that recital be of the generation which fought the battles of the Mexican war or of the generation which fought the war for the Union. The veterans of the Mexican war in return will not forget the high duty of magnifying American citizenship and exalting the country in whose service they enlisted. Their patriotism will embrace the whole Republic.

The memory of Buena Vista and Cerro Gordo and Monterey and Mexico, won in a common cause and consecrated by a common suffering may well awaken a spirit of generous magnanimity for all parts of our country, so that under the blessing of God, even the God of our fathers, peace and union may be established among us for all generations, and righteousness itself shall exalt the nation.

YOUNG MEN'S MERCANTILE LIBRARY ASSOCIATION OF CINCINNATI

Fellow Citizens of Cincinnati, Ladies and Gentlemen:

Fifty years ago to-night a number of the prominent young business men of this city—nearly all of whom are now dead—assembled in the second story of the old fire engine house on the north side of Fourth street, near where Christ's Church now stands, for the formal organization of the Young Men's Mercantile Library Association of Cincinnati. The association originally consisted of forty-five members, and the constitution then adopted, with some amendments, is the organic law of the body at this time.

We behold this organization after the lapse of half a century, as a splendid monument of enlightened exertion, and as the centre of a refining and elevating power in the community which can not well be estimated. It has been potent in advancing the best interests of the community at all times and the silent teachings of its books has influenced for good two generations of men. It has developed in an eminent degree the kindly spirit which comes from social and commercial intercourse and has directed the very best thoughts into the homes and daily experiences of this people.

It must be borne in mind, says John W. Ellis, to whom the association is indebted for valuable informa-

Delivered on the Occasion of the Semi-Centennial of the Young Men's Mercantile Library Association of Cincinnati, Ohio, April 18, 1885, at the Odeon.

tion concerning its early history, that Cincinnati at that period, in 1835, compared with the present Cincinnati, was an insignificant place in respect to wealth, population, business and everything which constitutes a modern city. The population then was less than forty thousand. Its wholesale business was done entirely by the Ohio river, and by the canal as far north as Dayton; but for the interior trade almost entirely by wagons. For the size of the place it had a reputable wholesale business, extending in a small way to the Upper and Lower Mississippi, along the Ohio, from its mouth as far east as what is now West Virginia, but a large portion of the business with the interior in dry goods, groceries and other numerous wants of an interior community was supplied by wagons which brought in their products and carried out merchandise.

There were no railroads whatever at that period in the west. The grocery trade was supplied entirely by boats from New Orleans. Lighter goods were wagoned by the National road, over the Allegheny mountains, to Wheeling or Pittsburg, and thence by steamboat down the river. Nearly all the retail business of the was low these goods were brought from New York by the Hudson river and Erie canal to Buffalo, thence by the Lakes and Ohio canal to Portsmouth, and thence down the river. Nearly all the retail business of the city was done on Main street from Third street to Sixth street; the wholesale business almost entirely on the lower end of Main street, or on Front street facing the river. Pearl street had just been opened, but extended no further west than Walnut street, and a few wholesale houses had begun on that square. Fourth, Walnut, Vine, and other streets now filled with an active business, were the seat of residences, nearly all

built with detached houses surrounded by shrubbery and the streets lined with trees. Central avenue, the Western Row, and the Miami canal were the boundaries of population. It was almost at the time when, in the language of the minister to the German empire, not a quarry broke the beautiful circle of our forest-clad hills; when an oatfield ripened to the harvest on Main and Thirteenth streets; when quail and squirrels played in the early frosts on the site of St. Paul's Catholic Church.

There is now a great city with a population of nearly three hundred thousand souls, with a substantial growth and increasing wealth; with a financial honor like Gibraltar amidst the waves of commercial disaster; with railways extending from lands of snow to lands of sun; with manufactories of steel and iron and brass and furniture; with a museum of art and design elevating the standard of taste in all beautiful things and assisting in the education of the public eye to forms of usefulness and beauty; with an observatory to show and to teach that the heavens do indeed declare the glory of God and that the firmament sheweth forth his handiwork; and with a university which seeks, by a well-established curriculum and an able president and corps of professors, to arouse a chivalrous spirit of scholarship and to send forth year after year scholars and thinkers and explorers and discoverers in all that realm of knowledge that contributes to the intellectual and moral life of society.

It is interesting to trace the history of the association and follow its growth and progress. For the first few years of its existence it was located on the west side of Main street below Pearl street and afterwards moved to the north side of Fourth street, just

east of Main street. Some idea may be formed of the extent and character of the association when it is stated that during this time the entire duties of librarian, porter and janitor were performed in turn by the officers and directors. The library, at the close of the year 1836, contained seven hundred and sixty-seven volumes, and some of the leading magazines of that day were upon the tables. In the winter of 1836 a special charter was secured under an act of the general assembly. In 1838 the first printed catalogue was published. In 1840 the association changed its location from Fourth street to the old college building on Walnut street. The large garden with foliage and flowers and shrubbery which then extended from the south end of the college building to Fourth street, has long since given way to the demands of trade and business. In January, 1843, the annual contests for the election of officers first commenced. These elections have become memorable in the history of the library and have awakened a spirited but friendly interest in the membership. After the strife of the contest was over then came the embrace of the Cavalier and the Roundhead. It is somewhat significant that the very same year witnessed the introduction of gas for lighting purposes instead of lard and tallow candles upon which the association had formerly depended.

The fire of January 19, 1845, entirely destroyed the college building, but all the books of the association were preserved. Hitherto there had been no permanent home. It was then thought that with so great an opportunity for good, more effective means should be employed to give stability and permanence to the work so auspiciously commenced. An effort was accordingly made among the merchants and business

men to raise by subscription a fund sufficient to meet the immediate demands of the library in securing a home. The sum of ten thousand dollars was donated and in consideration of this amount paid to the trustees of the Cincinnati College, the association was given a perpetual lease, for a nominal rent, of the rooms now occupied for the purposes of the library. The association took possession of the present accommodations in May, 1846, amidst the congratulations of all the members, and with the confidence that the future of the library was assured.

The association was firmly established. It had encountered various fortunes but it had now acquired a strong hold upon the affections of the community. It must not be forgotten that in all its vicissitudes there was no resort to the tax duplicate—there was nothing to rely upon but private generosity. There was no endowment save the circulated subscription list. The bequests of MacArthur, Day and Kirby came at a later day.

It has been the purpose of those connected with the administration of the trust to accomplish the greatest good for the greatest number. It has not only been the effort to give the library a cosmopolitan character, while at the same time it has been the aim to elevate the general taste to the selection of such volumes as would conduce to a higher and better culture. With nearly fifty thousand volumes of books, embracing history, biography, poetry, fiction, music, science and the arts, there must needs go forth the best thoughts of all ages to instruct, to inspire, to elevate, to amuse, to refine all who would avail themselves of its advantages, while not less than one hundred magazines and periodicals present to the reader the most finished crit-

icisms of books of current literature as well as most thoughtful articles upon the various topics of government and every important measure of reform which concerns society. The newspapers on the desks—one hundred and sixty-six in number—from *Punch* to *The London Times* and representing many of the leading journals of this country are not only filled daily with intelligence from almost all parts of the habitable globe, but the columns are occupied with reports and quotations from the great capitals and centres of trade, and with the discussion of every conceivable subject affecting civilization. These are read daily by thousands of people representing every profession and trade and industry of a great metropolis. The circulation for the year which has just closed was fifty-one thousand, two hundred and thirty-four volumes.

In December, 1835, there was a meeting of the association to consider the policy of a course of lectures for the association. The first lecture was delivered in the winter of 1835-36, on Commercial Law, by Joseph L. Benham, a prominent lawyer of the city. He was followed by Judge Timothy Walker, Dr. Robinson with a course on American History; Dr. John Locke, on Geology, and William Greene, afterwards lieutenant governor of Rhode Island, on various subjects; and then came some miscellaneous lectures. The effort to secure literary men from the eastern cities required so much expense and the fatigue and cost of travel were so great that the project was abandoned. Home talent was then employed. We are informed that the officers and some of their intimate friends took the bold step of delivering their own lectures. This example is commended to the officers of the library at this semi-centennial anniversary, but not in the spirit

of the writer from whom the information is obtained, for he adds that "if they did not enlighten the people very much on the subjects of which they treated, they at least had the benefit of teaching these authors the subject of composition and delivery."

Among the important institutions of Cincinnati is the Chamber of Commerce and Merchants Exchange. It represents large commercial interests. It is in a measure the capital of our city. Nearly all great enterprises affecting the material prosperity of our city there originate and take direction. The history of the organization of the Chamber of Commerce and Merchants Exchange is a part of the history of the Young Men's Mercantile Library Association. The matter was first presented for consideration to the directors of the association on May 2, 1839, by a resolution looking to the establishing of a Board of Trade. The next action was taken at the quarterly meeting held on the first of October following. It provided for a public meeting to be held in the hall of the association on the fifteenth of October for the purpose of establishing a Board of Trade. In the Cincinnati *Daily Gazette* of October 14, 1839, there appeared a call for a meeting at the hall of the Young Men's Mercantile Library Association, to take into consideration such measures as would establish a "Chamber of Commerce and Board of Trade." The committee appointed at that meeting to draft a preamble and resolution, which is the first action of the present Chamber of Commerce, was composed of the most active and energetic members of the Library Association.

In the annual report of the Library Association for 1839, the following allusion is made to this action:

"Among the many developments of character this institution has undergone, we note that of association with the elder portion of the mercantile community, who have cheerfully cooperated, and by their influence formed a Chamber of Commerce, as adjunct to this institution."

The Mercantile Library, with the Chamber of Commerce, moved into the old Cincinnati College building and jointly occupied the room for many years. The establishment of a Merchants Exchange in connection with the association was conceived by some of the members and in the quarterly report of July 8, 1843, it is stated that with the liberal aid of the mercantile community the exchange was brought into active and useful operation. The history of the exchange department of the Library Association is given in the report of the quarterly meeting of October, 1846.

"The project of a Merchants Exchange was suggested in the winter of 1843, by a number of the leading merchants of the city, and, at their urgent request, the experiment of its establishment and its entire management was undertaken by the board of directors of this association. Active exertions were at once made to carry out the plan; a subscription paper was put into circulation, and a sufficient number of subscribers having been obtained, the necessary preliminaries were effected, and the exchange room opened on the first of May ensuing. Owing either to a want of concert of action among those interested, to the fact that the business of the city did not require its adoption, one object of the institution, the establishment of change hours was not attained. The reports of the arrivals and departures of steamboats, of the exports and imports to and from the city by the river, canals and railroads,

and of the arrivals at the principal hotels, all of which were recorded daily in books kept for the purpose, and open to the examination of subscribers, were, however, deemed of sufficient importance as valuable commercial statistics to justify the continuance of the department, and to this end its organization has been maintained from year to year by the several boards of directors until the first of September last, when it was transferred to the more legitimate guardianship of the Chamber of Commerce." When the Merchants Exchange became a part of the Chamber of Commerce the title of the body was changed to read as at present—the Chamber of Commerce and Merchants Exchange.

This information in regard to organization of this representative body of our merchants and business men is incorporated into this address in order that it may be understood that all the agencies of the association have been directed toward the public good. The work has not been that alone of furnishing books and periodicals and newspapers and chess-rooms for those who frequent the library or for those who may wish to enjoy the best literature in their own homes and by their own firesides, but in matters affecting the material growth of the community and the substantial welfare of Cincinnati through trade and commerce, the association has been the first to suggest and to direct and to solidify until as Minerva from the brain of Jupiter there comes forth the Cincinnati Chamber of Commerce and Merchants Exchange. It is, perhaps, but proper to extend the felicitations which come from fifty years of prosperity to this promising offspring.

It can well be claimed that the Mercantile Library aids every measure of education. Every volume assumes the role of an instructor. The true university of

these days, says Carlyle, is a collection of books. They were uttered more than forty years ago but they are more the lustrous to-day. Here the living thought of all the ages invites to communion. Here can be traced and followed the great lines of movement which have framed and organized governments and dynasties and peoples, and how customs and habits and laws became established and settled, upon which rests the whole fabric of human society. It is not expected that our library will ever hope to rival the National Library at Paris with its millions of volumes and which represents growth and the gradual accumulations of centuries; nor the Imperial Library at St. Petersburg, which represents not so much acquisition as conquest and spoliation; nor the Library of the British Museum, which represents the result of patient, earnest effort in the collection of books and manuscripts; but it does offer advantages fairly adequate to the calls of practical business life, in that its shelves are laden with the best literature, of poetry and fiction, of history and biography, of science and art and such multiplied essays on questions which address themselves to man and his relation to fellowman.

Activity is often capital; amid the demands of business where competition awakens energy, the merchant and banker and manufacturer cannot devote days to research and analysis and criticism; these are left for the student and the scholar, but the manufacturer when weary at the forge of Vulcan may go out and for a time commune with Apollo and the Muses. The business man need not go to cyclopedias and manuals and folios to the neglect of the desk and counting room, but he can in a leisure hour, away from the perplexities of business, take up the novel where nature is re-

flected by the mirror of imagination, and can there see the character in circumstances of trial and perplexity like Morton in Old Mortality, or Oliver Twist as described by Dickens, or the gentler sex in impatient moods, if they ever come, may gain some consolation from Becky Sharp in Vanity Fair, or Jane Eyre as portrayed by Charlotte Bronte.

"And how has Burns," says a writer, "by his wondrous touch turned the house of every Scottish peasant into an abode of content and love and purity, and every simple Scottish lass into a fairy being, and as a reward for the glory which he gave his beloved Scotia, has made for his poems in the actual homes of Scotland, a place next to the Bible, and a thrilling remembrance in every Scotchman's heart."

The passion for history may be gratified in Arnold's History of Rome and the Later Roman Commonwealths; or in Gibbon's Decline and Fall of the Roman Empire, or the Constitutional History of England by Hallam, or in the History of England by Macaulay, or in Prescott as he tells the story of Cortez in Mexico and Pizarro in Peru, or Motley's History of the United Netherlands and the Rise of the Dutch Republic, or our Bancroft as he traces the history of our own people from the Colonial period to the time of the Republic. The physician may read of the lives of Sir John Hunter and Sir Charles Bell, the physicist and scientist can be rewarded by Davy and Faraday, of Newton and Dalton, of George Wilson and Edward Forbes, while the young lawyer may gather inspiration as he reads of the story of Erskine's speedy and brilliant entrance into a crowded practice and how his progress was stimulated by little children crying for bread.

Southey said that if he had to cut down his library of fourteen thousand volumes to nineteen authors he would retain Shakespeare, Chaucer, Spenser and Milton, Lord Clarendon, Thomas Jackson, Jeremy Taylor, South, Isaak Walton, Sir Philip Sidney, Thomas Fuller and Sir Thomas Brown. This severe taste of this high authority of English literature would hardly be accepted as the standard for a library and reading room for this practical and utilitarian age. The want is that literature which will address itself to the needs of real life, and that the books shall meet a real demand whether that be in history, or analysis, or criticism, or poetry, or travel, or biography. This demand may be a diversion by way of Nicholas Nickleby or David Copperfield or in the contemplation of the wonderful career of Don Quixote whose attacks upon the windmills were as reasonable and philosophical as some later demonstrations against Chicago wheat. The object is to furnish instructive and popular literature to the reading public. In the National Library of Paris, to-day, there is not one of the million of volumes that fill the miles of shelves that is not at the command of the humblest applicant of honorable reputation, and yet in the year 1471 when Louis XI. wished to borrow a book from the Medical Library at Paris, he was required to deposit plate in pledge and to get one of his nobles to join him in a guarantee for its safe return.

The Mercantile Library offers to its large membership in the spirit of the National Library, the advantage of every book upon its shelves. Indeed it beckons all to come and speaks with a voice even of affection and says:

"Thou, whom the world with heartless intercourse
Hath wearied, and thy spirit's hoarded gold
Coldly impoverished, and with husks repaid,
Turn hither. 'Tis a quiet resting place;
Silent, yet peopled world. Here might thou hold
Communion eloquent, and undismayed,
Even with the greatest of the ancient Earth
Sages and Sires of Science. These shall girt
And sublimate thy soul, until it soar
Above the elements."

It may be said of all great libraries, as it has been said of governments, that they are not created—they grow. Literature has made rapid progress in the past half century, but the resources of the most extensive publishers could not duplicate certain old public libraries rich in the fathers, the civilians and mediæval chronicles. It is true that wealth can command thousands of volumes of literature—Macaulay and Allison, Gibbon and Hallam, the Encyclopedia Britannica, Scott and Fielding, Thackeray and Dickens, Bancroft and Bryant, Hawthorne and Holmes—but a library, in its best sense, is a gradual accumulation and is the thought and effort of laborious years. The best way to measure the value of a great library is to contemplate its loss. When the Harvard Library, which was founded but eighteen years after the landing of the Pilgrim Fathers, was destroyed by fire in 1764, the loss was regarded by scholars as universal and irreparable. The collection consisted of only about five thousand volumes, but it contained many volumes from the early presses of the mother country, and many of the first born of the Atlantic printers. Civilization itself has always lamented the destruction of the Alexandrian Library, and it is well known how the fear and

sympathies of all lovers of literature were awakened when it was announced that the celebrated library at Strasburg had been fired by the enemy's shells and was doomed to inevitable destruction. Nearly all the great libraries of the world have had their origin in private munificence and individual effort. The beginning of the British Museum was the donation of the fifty thousand volumes collected by Sir Hans Sloane – a wonderful achievement for a private gentleman at the beginning of the last century. George the Second gave to it the libraries of the Kings of England, and since that time it has absorbed other collections and accumulated so many other volumes that it is now the marvel of the literary world. The Bodleian commenced with a collection which had cost him ten thousand pounds. The Ambrosian Library at Milan was the private collection of Cardinal Borromeo, bequeathed by him to the world. It began with the economic efforts of youth and poverty and went on accumulating as succeeding years brought wealth and honors to the great prelate. The Imperial Library at Paris was founded in the fourteenth century and has survived every storm that has swept around its walls for four centuries. It was in active operation at the time of the discovery of printing and it has seen Empire and Republic perish in succession. It emphasizes the truth that the lasting glory of a nation comes from its letters and its arts and that after the lapse of a few centuries everything but the thoughts of a people perishes. The Laurentian Library at Florence came from the splendid patronage which those merchant princes, the Medici, gave to learning. Old Cosmo, who had his mercantile and political correspondents in all lands, made them also his literary agents, who sent him goods too precious to

be resold even at a profit. "He corresponded," says Gibbon, "at once with Cairo and London, and a cargo of Indian spices and Greek books were often imported by the same vessel."

The founders and patrons of libraries deserve, and will receive, the lasting gratitude of posterity. "Among the glories of the reign of Louis XIV.," says a brilliant essayist, "the intelligent patronage shown by him and his great ministers, Colbert and Louvois, to the interests of literature by their fostering care of the royal collection of books will be one of his most enduring titles to the grateful recollection of posterity. Versailles and St. Germain are deserted, the proud palace of Marli has long been leveled with the ground, the victories of the beginning of the reign of Louis are overshadowed by the defeats he underwent at the hands of Prince Eugene and Marlborough toward the close of his long and (latterly at all events) disastrous reign; but as long as the love of letters shall endure in France or in Europe no visitor to the great National Library can forget the treasures collected by the efforts of Louis and his two great ministers."

In the retrospect there is cause for congratulation. We enter the future with confidence. It brings with it great responsibilities. Founded for literary culture and the dissemination of useful and practical knowledge this association has given to the aspiring a help at a most important period in life. With so great opportunities every means should be employed to make this influence felt for good and to give stability to the work so auspiciously begun. Permanence is now wanted. The age of obscurity has passed. Everything which can give a permanent character to the library, or prolongs the influence, must be carefully

considered. It is the little things which pass away and in after years are so valuable and hard to obtain. The chap books and street songs of two centuries ago are among the most difficult of all literature to gather now, and yet are the most valuable to show the actual state of the people. May we not hope, long before the centennial anniversary, to behold the library a structure of massive proportions in which taste and elegance will be combined with convenience and comfort, and where beauty of proportion and finish will lend their charm to durability and strength; where alcove and shelf in matchless symmetry and form shall contain the best thoughts of all the ages; where table after table will be filled with all the current magazines and periodical literature of the day, and where desk after desk shall be covered with the newspapers of every capital and kingdom in civilization. This cause should enlist the sympathy and effort of every friend of the library and every friend of the city.

To associate one's name with a public benefit of this character is to secure the laurel wreath, and the merchant princes of Cincinnati can accomplish no better work for themselves and for posterity than by emulating the example of the Merchant Prince of the Medici in affording facilities to the young and aspiring of their native city and thus lift the community up to the level of better thinking and better living. Unless by the power of the school and the college, by the power of the pulpit, the press and the platform, by the power of the Lyceum and the library we educate public sentiment to a proper conception of public duty, we cannot justify ourselves before the bar of the nations, nor shall we stand approved in the judgment of the Almighty.

THE ORDINANCE OF 1787:

ITS HISTORY AND INFLUENCE ON THE NORTHWESTERN STATES

When the war of the Revolution had ended, the principle of representative free government had been established by the arbitrament of arms, and it remained for the future to determine whether political institutions founded upon the Declaration of American Independence could be maintained as a system of government. The King, in his address from the throne, hoped that Great Britain might not feel the evils of the dismemberment of so great an empire, and that America might realize how essential monarchy is to the enjoyment of constitutional liberty. We have passed from the Colonial to the Revolutionary period and to the time of the Republic, and have demonstrated that the right of self government belongs to any people who deserve to be free.

George III., the reigning sovereign, George IV. and William IV., sleep in Westminster Abbey, the mausoleum of Britain's genius and royalty, while only the other day all England witnessed the magnificent ceremonies of the fiftieth anniversary of the accession of Victoria to the throne; and yet this Republic, mighty in its perfect unity, is stronger to-day in the affections of the people than at any period in its history.

With the withdrawal of British arms from our soil,

Delivered at Springdale, Ohio, July 13, 1887, on the Centennial of its Adoption.

and the declaration of the treaty of peace with England which followed, there devolved upon the continental congress the most important responsibility that has ever been committed to the representatives of a free people. In America the principle of individual independence was thoroughly recognized throughout the colonies, and it was conceded that independence could only be secured by political organization. Individuals must be considered as existing for the state. To it they owe whatever they have, even life. The fabric of the Republic arose from the union of such elements.

The Articles of Confederation were adopted by Congress on the fifteenth day of November, 1777. By these articles the several states entered into certain Articles of Confederation and perpetual union for their common defence, the security of their liberties and their general and mutual welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade or any other pretense whatever. These articles arose out of the necessities of a common danger. The war of the Revolution was in progress. Benjamin Franklin expressed the idea which animated the Colonists, that they must all hang together, or they would hang separately. The certificate issued for the support of the Continental troops in 1777, had a representation of two earthen vessels floating in a sea with the Latin inscription *Si Collidimus Frangimur*, while another certificate had thirteen rings, the number of the original states, linked together as an evidence of mutual interest and support.

In the breadth of its conception and in the results which have followed its enactment it has been characterized as the most notable instance of legislation that

has ever been adopted by the representatives of the American people. It fixed forever the character of the immigration, and of the social, political and educational institutions of the people who were to inhabit this territory.

Daniel Webster, the expounder of the constitution, doubted whether one single law of any law giver, ancient or modern, had produced effects of a more distinct, marked and lasting character than the Ordinance of 1787. We see its consequences, said the great expounder of the constitution, at this moment, and we shall never cease to see them, perhaps, while the Ohio shall flow.

There is no place, perhaps, in the Northwestern Territory where the centennial of the adoption of the Ordinance of 1787 could be observed with more propriety than in this historic church. The territory, upon the preaching of the gospel within its bounds, belonged to the Presbytery of Transylvania. This Presbytery was organized by the Synod of New York and Philadelphia, May 17, 1786. It is true that pioneers from Virginia had crossed the mountains before this time into Kentucky and east Tennessee, but they did not reach the Ohio river until after the Presbytery of Transylvania had been formed. The name of Transylvania was most significant; it meant the woods beyond the mountains where civilization was just advancing. The Presbytery to which this church afterwards belonged, held its first session at Danville, Kentucky, on the seventeenth of October, 1786. This was before the ordinance of 1787 was adopted, and nearly three years before the fourth day of March, 1789, the day fixed for commencing operations under the Federal Constitution. A boy baptized by Father

Kemper in the Presbytery of Transylvania would have waited sixteen years before the constitution was proclaimed at Chillicothe as the foundation of the state of Ohio. With the exception of the posts held by the French on the Wabash, and at Detroit, and on the Mississippi, where French missions were doubtless established under the Catholic church, it is safe to say that this church was the only religious organization, at the time, in the interior in the Northwestern Territory, and that the Bible was alone heard in all the vast solitude which is now included in the states of Ohio, Indiana, Illinois, Michigan and Wisconsin, in the organization known to the Transylvania Presbytery as the Springfield church. This church, then, has indeed been the centre of a large circumference of usefulness. Morality and religion have been taught as the basis of good government by teaching men the higher duties of good citizenship; and for nearly three generations of men the Sabbath bells have rung out clear and distinct in the morning and evening, inviting all to hear the word of life. The fathers were descendants of men of a noble ancestry; of men valiant for the truth and who had the missionary spirit in an eminent degree. They did a good work in exalting the nation by righteousness and in condemning sin as a reproach to any people.

The history of the adoption of the Ordinance of 1787 would not be complete without a knowledge of the territory to which it was intended to apply as a basis of government. The vast region of country extending from the Allegheny mountains to the Mississippi river was claimed by France, and was known as Louisiana. It is an historical fact that France asserted control over the territory on which we stand, and the

standard which floated over the battlements of Quebec was the emblem of authority until the overthrow of French supremacy in North America by Wolfe on September 13, 1759, on the Plains of Abraham. As early as 1673 two French missionaries penetrated from Canada into the Mississippi valley and realized the opportunity for extending French dominion over a region of wonderful extent and surpassing fertility. La Salle, the commandant at Frontenac, on the banks of the Mississippi, erected a column and a cross to which were affixed the arms of France. In the midst of the chanting of the *Te Deum*, and cries of *Vive le Roi*, he declared in French, in a loud voice, that in the name of the most high, mighty, invincible and victorious prince, Louis the Great, by the grace of God, king of France and Navarre, fourteenth of that name, he took possession, in the name of his majesty and of his successors to the crown, of the whole country along the Mississippi and the territory along the rivers which discharge themselves therein from its source. The British power had not extended farther west than Fort Du Quesne before the adoption of the Ordinance.

By the treaty of 1763, France ceded to Great Britain all of her possessions in North America, east of the Mississippi; and "on this foundation," says Chief Justice Chase, "the title of the former power, to the region included by the Ohio, the Mississippi and Great Lakes, rests more safely, according to the international law of Europe, than on any other." It must be said, however, that long before the treaty of Aix La Chapelle English charters had been granted, including within their several limits the whole of this country. The state of Virginia claimed, by the terms of its original colonial charter from James I., king of England,

in the year 1609, all the continent west of the Ohio river, and of the north and south breadth of Virginia. King Charles II. of England, granted to the Colony of Connecticut, in 1662, a charter right to all lands included within certain parallels of latitude from the Atlantic to the Pacific ocean. Indeed, after the United States became an independent nation, there was a controversy with Connecticut which was finally compromised by the United States relinquishing all claims upon, and guaranteeing to Connecticut the exclusive right of the soil to three million, eight hundred thousand acres between Lake Erie and Pennsylvania. The United States, however, reserved to themselves the right of jurisdiction. They then united this tract to the territory now state of Ohio. This tract of land is known in our state to day as the Western Reserve. Massachusetts claimed, during the Revolutionary war, by virtue of a charter granted many years before, and by virtue of a treaty with the Five Nations.

The British Government, after the treaty of peace upon the close of the French war (1763), by royal proclamation declared that all the land west of the sources of the Atlantic rivers was reserved under the sovereignty, protection and dominion of the king of Great Britain, for the use of the Indians. In consequence of this proclamation no settlements were attempted northwest of the Ohio river until after the declaration of independence, when the detached colonies became free and independent states. Over the whole vast extent lying between the Allegheny mountains and the Mississippi, except where the prairie spread its luxuriant vegetation, and where the settlements of the French or the villages of the Indians—the rightful proprietors of the soil—dotted the wilder-

ness there stretched a mighty and unbroken forest yet ignorant of the woodman's axe.

Notwithstanding the fact that the charter to the lands of 1609 had been vacated by a judicial proceeding, and the company to which it was granted had been dissolved, and the grant reserved to the crown, yet Virginia in 1788, claiming as an independent state the whole of the land west of the Alleghenies, and north of the parallel of latitude which now defines her southern boundary, raised a body of troops for the protection of the western settlers. George Rogers Clarke, in command of these troops, marched to Vincennes and surprised Colonel Hamilton, the British commander, at Detroit, and by his prompt action completely destroyed British authority on the Mississippi, and detached several Indian tribes from the British interest and thus greatly influenced the negotiations which afterwards established the Mississippi as the western boundary of the United States. The conquered country was erected into a county by the name of Illinois, by the legislature of Virginia, and a regiment of infantry and a troop of cavalry were voted for its defense.

The claim of the various states for the western lands was met by congress, who asserted its title upon the broad and patriotic ground that a vacant territory wrested from the common enemy by the united arms and at the joint expense of all the states ought, of a right, to belong to congress in trust for the common use and benefit of all the states. Virginia, in 1799, went so far as to open a land office for the sale of her western lands. This act attracted the attention of the older states, several of which regarded the vacant region in the west as a common fund for the future pay-

ment of the expenses of the war for independence in which the confederacy was then involved. It was contended that it was manifestly unjust that a vast tract of unoccupied territory, acquired by the common efforts and at the common expense of the whole nation, should be appropriated for the exclusive benefit of particular states, while the rest would be left to bear the burden of debt contracted in asserting that independence by which the immense acquisition was wrested from Great Britain. This controversy about the western lands for a long time darkened the prospects of the union. Maryland would not ratify the Articles of Confederation until the thirtieth day of January, 1781, although they were adopted November 15, 1787, because of her demand that the western lands should be settled on principles of equity and sound policy, and Maryland only signed them in the spirit of a high patriotism because the enemies of the country took advantage of the circumstance to predict the ultimate dissolution of the Union.

This discussion greatly embarrassed congress in the progress of the war which threatened the very existence of the Colonies as an independent nation. Congress appealed to the states upon the ground of a common patriotism to make liberal cessions for the benefit of all, and in 1780 adopted a resolution containing a pledge that the lands ceded in pursuance of its recommendations should be disposed of for the common benefit of the United States; be settled and formed into distinct states, with a suitable extent of territory, and become members of the Federal Union, with the same rights of sovereignty, freedom and independence as the other states; that the expenses incurred by any state in subduing British posts, and in the acquisition and

defense of territory, should be reimbursed and that the lands ceded should be granted and settled agreeably to regulations afterwards to be agreed upon by congress. In 1780 New York ceded her claims on condition that the territory should be appropriated for the common benefit of those states which should become members of the Federal Alliance. Virginia followed New York in March, 1784, but in her deed of cession, reserved a large tract between the Scioto and Little Miami rivers, and bounded by the Ohio river on the south, to ratify the claims of her state troops employed in the continental line during the Revolutionary war. Massachusetts followed Virginia, and in April, 1785, ceded to the United States all her claim to territory west of the western boundary of New York. In September, 1786, Connecticut ceded all the land within her chartered limits for the common use and benefit of the United States, excepting the Western Reserve. All these cessions, tacitly, and those of Massachusetts and Virginia expressly, referred to the resolution of congress of 1780. In the cession of Virginia the terms of that resolution were recited and declared to be conditions of the deed. It should be stated that Connecticut granted about five hundred thousand acres of the Western Reserve, in 1792, to certain sufferers by fire occasioned by the British during the Revolutionary war, to the towns of New London, Fairfield and Norwalk. These are known in Ohio as the Fire Lands.

The right of the United States, as against the civilized world, was now clear and incontestable, several states having relinquished their claims by deeds of cession, and Great Britain and Spain, who had each disputed the western boundary of the Union, having conceded by formal treaty the American claim to all

the territory east of the Mississippi and north of Louisiana and Florida.

Congress, by the acceptance of these cessions, became the trustee of the Confederacy. The obligation of 1780, which induced the action upon the part of the states, was invested with the solemn character of great national compact, of high and permanent obligation, and the faith of the nation was forever pledged that the trusts upon which the western lands were ceded should be faithfully performed.

It will thus be seen that the northwestern territory was originally in the possession of the Indians; that after the conquest of the French possessions in North America by Great Britain this whole region was ceded by France to Great Britain by the treaty of Paris in 1763; that by an act of parliament of Great Britain passed in 1774, the whole of the northwestern territory was annexed to, and made a part of, the Province of Quebec, as enacted and established by royal proclamation of October 7, 1763; that the claim of the English monarch to the late northwestern territory was ceded to the United States by the treaty of peace signed at Paris, September 3, 1783, and that the title claimed by Virginia, Massachusetts, New York and Connecticut were vested in the United States by the several deeds of cession. Congress now proceeded to perfect its title to the soil and jurisdiction by negotiations with the Indian tribes, the original owners and rightful proprietors, notwithstanding charters and grants and treaties of peace. The Indian title to a large part of the territory within the limits of the state of Ohio having been extinguished, it became necessary for congress to provide a form of government for the territory northwest of the Ohio river.

The Federal Constitution had not been adopted at the time that the committee of which Mr. Jefferson was chairman submitted to congress a plan for the territory government of the northwestern territory. The colonies recognized alone the binding force of the articles of confederation and under which the War of the Revolution was brought to a close. The plan proposed by the committee on March 1, 1784, was very different from the ordinance as it received the approval of congress on July 13, 1787. It was brief and provided that both the temporary and permanent governments to be established should rest upon the following propositions:

(1) That they shall forever remain a part of the United States of America.

(2) That in their persons and property and territory they shall be subject to the government of the United States in congress assembled, and to the articles of confederation in all cases, and in all those cases in which the original shall be so subject.

(3) That they shall be subject to pay a part of the federal debt, contracted or to be contracted, to be apportioned on them according to the same common rule and measure by which apportionments thereof shall be made in the other states.

(4) That their respective state governments shall be republican in form, and shall admit no person to be a citizen who holds any hereditary title.

(5) That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty. After providing for the admission of states into the

Union when the number of free inhabitants should equal those in any one of the least numerous of the thirteen original states, it partitioned the territory northwest of the Ohio river into ten (10) distinct states commencing at the Lake of the Woods in the northwest and to be called as follows: Sylvania, Michigania, Cheroneseus, Assinisipia, Metropotamia, Illinoia, Saratoga, Washington, Polypotamia and Pelisipia. This report was recommitted to the same committee and a new plan was submitted on the twenty second of the same month, which differed from the first only in omitting the names and boundaries of the states. The provision in reference to slavery was stricken out on the nineteenth day of April, a day sacred in the calendar of liberty. This report was further considered and amended on the twentieth and twenty-first, and on the twenty third was agreed to without the clause prohibiting slavery and involuntary servitude after 1800. Ten states voted for the report with the prohibitory clause relating to slavery stricken out and one voted no. These states were New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; South Carolina voted no. Delaware and Georgia were absent from congress at the time of the call. This report of Mr. Jefferson, providing a plan for the temporary government of the western territory without any restriction whatever as to slavery, received the vote of every state present except South Carolina. It was repealed in 1787 and until its repeal by force of the Ordinance of 1787, was the law for the government of the territory. On March 16, 1785, nearly a year after the first plan had been adopted, the clause, originally offered by Mr. Jefferson as a part

of the charter of compact and fundamental constitution between the thirteen original states and the new states to be formed in the western territory, prohibiting slavery and involuntary servitude was again submitted to congress, omitting the time named, by Mr. King seconded by Mr. Ellery in the following words: "That there shall be neither slavery nor involuntary servitude in any of the states described in the resolve of congress of the twenty-third of April, 1784, otherwise than in the punishment of crimes, whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original states, and each of the said states described in the resolve of the twenty-third of April, 1784."

The effect of this motion to commit would be to present the question of slavery to congress as a separate, independent proposition, and, if adopted, to restore it to the resolve of April 23, 1784. The motion of Mr. King to commit was agreed to by eight states: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania and Maryland. Virginia, North Carolina and South Carolina voted in the negative. Georgia and Delaware were not represented. After the commitment of this proposition it was neither called up in congress nor noticed by any of the committees who subsequently reported plans for the government of the northwest territory. The journals show that the subject came before congress in some form on March 24th, May 10th, July 13th and August 24th of the same year. On the twenty-fourth day of March, 1786, a report was made by the grand committee of the house, to whom had been referred a

motion of Mr. Monroe upon the subject of the northwestern territory. On the tenth day of May, 1786, a report was made by another committee, of which Mr. Monroe, of Virginia, was chairman, to whom a motion of Mr. Dane, for considering and reporting the form of a temporary government for the western territory had been referred. This report, after amendment was recommitted on the thirteenth of July following—just one year before the adoption of the ordinance itself.

It seems that the inhabitants of the Kaskaskias were becoming impatient over the delay of congress in providing a form of government for the northwestern territory, and consequently on the twenty-fourth day of August, 1786, the secretary was directed to notify them that congress had under consideration the plan of a temporary government and that its adoption would no longer be protracted than the importance of the subject, and a due regard for their interest, may require.

On September 19, 1786, a committee of which Mr. Johnson, of Connecticut, was chairman, and which was appointed to prepare a plan of temporary government for such districts or new states as shall be laid out by the United States upon the principles of the acts of cession from individual states and admitted into the territory, made a report which was taken up for consideration on the twenty-ninth of September; after some discussion and several motions to amend, the further consideration of the subject was postponed.

On the twenty-sixth day of April, 1787, the same committee reported "An ordinance for the government of the northwestern territory." It was read the second time and amended on the ninth of May and the next day assigned for the third reading. On the tenth the

order for the third reading was called for by the state of Massachusetts but was postponed. The proposition in regard to slavery, which on motion of Mr. King had been committed on the sixteenth day of March of the preceding year, was not in the ordinance as reported by the committee, nor was any motion made in congress to insert the amendment.

The plan then submitted to congress ordained that the inhabitants of the district should always be entitled to the benefits of the act of habeas corpus and of the trial by jury, and prescribed a property qualification of a freehold life estate in fifty acres of land in the district, if a citizen of any of the United States, and two years' residence if a foreigner; in addition, it should be necessary to qualify a man as an elector for representative. The first plan did not contain any of these provisions.

This was the ordinance for the government of the western territory when it was ordered to a third reading on the tenth of May, 1787. It was essentially different from the ordinance of July 13, 1787. It was silent upon the subject of the equal distribution of estates. It said nothing about extending the principles of civil and religious liberty and the noninterference with the mode of worship or religious sentiments of the citizens of the territories. It contained none of the provisions of Article II which mark the ordinance as one of the greatest movements of civil jurisprudence in the history of the race, and which invest life and property with the security and protection of the law. It did not speak of schools and the means of education; nor of good faith to the Indians; nor did it contain that declaration that the navigable waters leading into the Mississippi and the St. Lawrence

should be common highways forever; nor did it contain the articles of compact which should remain unaltered forever except by common consent.

On the ninth of July, 1787, the ordinance was again referred to a committee consisting of Mr. Carrington, of Virginia, Mr. Dane, of Massachusetts, Mr. Richard Henry Lee, of Virginia, Mr. Kean, of South Carolina, and Mr. Smith, of New York. This committee prepared and reported the great bill of rights on the eleventh of July, 1787. It was entitled: "An ordinance for the government of the territory of the United States, northwest of the river Ohio." It was read the second time on the twelfth, when Mr. Dane offered an amendment which was adopted as the sixth article of the ordinance. Mr. Jefferson in 1784 had reported a clause looking to the abolition of slavery after the year 1800 of the Christian era, which contained no provision for the reclamation of fugitives, but this was stricken out on the nineteenth of April on motion of Mr. Spaight, of North Carolina. Mr. King presented an amendment on the sixteenth of March, 1785, for the absolute prohibition of slavery in the territory, which was never formally considered by congress. The sixth article reads: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted; provided, always, that any person escaping into the same, from whom labor or service is claimed in any of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service aforesaid." This was offered by Mr. Dane on the twelfth of July, 1787, and, the great northwest forever dedicated to freedom, adopted. On the thirteenth day of July, 1787, the or-

dinance for the government of the territory of the United States northwest of the river Ohio passed the continental congress by the unanimous vote of the eight states present, viz.: Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, New Hampshire, Rhode Island, Connecticut, Maryland and Pennsylvania were absent. It will be seen by reference to the journals of congress that this great charter in five days passed through all the forms of legislation—the reference, the action of the committee, the report, the three several readings, the discussion and amendment by congress, and the final passage. It is doubtful whether the prohibition of slavery could ever have carried in congress without the provision for reclaiming fugitives. It is evident, too, that the contemplated purchase of the Ohio company had great influence in securing the prompt action of congress in the matter of the adoption of the ordinance, for there could be no settlement without some form of government to protect the purchaser and save the frontier from the tomahawk and scalping knife of the Indians.

The imperishable principles incorporated into the ordinance of 1787 began centuries before, but the framers of the ordinance were the first to embody them in written form. The ordinance of 1787 comprehends the Magna Charta, the Petition of Rights and rings with the utterance of every colonial bill of rights during the period of the Revolution.

It is difficult to say what would have been the influence on the Republic in the event of the recognition of slavery in the ordinance for the territory northwest of the Ohio river either by silence or by express enactment. It has since billowed the valleys of the Missis-

sippi and Virginia with the graves of the dead and filled the land with widowhood and orphanage. The historian Bancroft, in speaking of this very subject, says, that before the Federal Convention had referred its resolution to a committee of detail, an interlude in congress was shaping the character and destiny of the United States of America. Sublime, humane and eventful in the history of mankind as was the result, it will not take many words to tell how it was brought about. For a time, wisdom, peace and justice dwelt among men, and the great ordinance which could alone give continuance to the Union came in serenity and stillness. Every man that had a hand in it seems to have been led by an invisible hand to do just what was wanted of him; all that was wrongfully undertaken fell to the ground to wither by the wayside; whatever was needed for the mighty work arrived opportunely and just at the right moment moved into place.

Thomas Jefferson first summoned congress to prohibit slavery in all the territory of the United States. Rufus King lifted up the measure when it lay almost lifeless on the ground, and suggested the immediate instead of the prospective prohibition. A congress composed of five southern states to one from New England and two from the middle states headed by William Grayson, supported by Richard Henry Lee, and using Nathan Dane as a scribe, carried the measure to the goal in the amended form in which King had caused it to be referred to a committee; and, as Jefferson had proposed, placed it under the sanction of an irrevocable contract. Fifteen years before this time the same Richard Henry Lee, in the legislature of Virginia, in his first recorded speech declared against human slavery, and in behalf of human freedom, while

South Carolina, by its own laws, endeavored to restrain the importation of slaves and remonstrated against the commercial system of Britain which kept every American port open as a market for men. Human servitude dishonored the nation.

The great ordinance abolishes entails and the rights of the first born; provides for a system of representatives for government as soon as the population would justify; proclaims that the articles of compact between the original states and the people and states in the territory shall remain unalterable forever except by common consent; secures freedom to every person in the mode of worship and in his religious belief; guarantees to the inhabitants the writ of habeas corpus, the trial by jury, proportional representation in the legislature and the principles of the common law; recognizes in the highest the sacredness of private contracts entered into in good faith;—encourages religion, morality and knowledge as necessary to good government and the happiness of mankind, and looks to their security through schools and the means of education; observes the utmost good faith towards the Indians in their liberty, their lands and their property, and provides for the enactment of laws founded in justice and humanity as will prevent them from being wronged and will preserve peace and friendship with them;—declares with patriotic fervor that the territory and the states which may be formed therein shall forever remain a part of the Confederacy of the United States of America; proclaims as with the sound of a trumpet, that the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of said territory as to the

citizens of the United States, and those of any other states that may be admitted into the Confederacy, without any tax, import, or duty therefor; concedes to each state the liberty to form a permanent constitution and state government, only insisting that it shall be republican in form, and then dedicates the whole of this magnificent domain—an empire of itself—to human freedom and the rights of man.

It is not strange that Judge Walker, in 1837, should say of it: "Upon the surpassing excellence of this ordinance no language of panegyric would be extravagant. It approaches as nearly to absolute perfection as anything to be found in the legislation of mankind; for after the experience of fifty years it would be impossible to alter without marring it. In short, it is one of those matchless specimens of sagacious forecast which even the reckless spirit of innovation would not venture to assail." While the late Chief Justice Chase describes the ordinance as having been a pillar of cloud by day and of fire by night in the settlement and government of the northwestern states.

Under the benign influences of the great ordinance immigration soon followed. In the summer following the defeat of the Indians by Anthony Wayne, at the battle of the Fallen Timbers, they came for peace, and on the third day of August, 1795, at Greenville, Ohio, with nearly eleven hundred chiefs and sachems present, representing twelve powerful tribes, a definite and satisfactory treaty was signed and the pacification of the Indians of the northwest made complete. The frontier military posts were soon abandoned by the British by a special treaty, and the northwest began a career of unexampled prosperity. The states of the northwestern territory in 1880 had a popu-

lation of eleven million, two hundred and six thousand and six hundred and sixty-seven, revering religion; encouraging education; obeying the law; with cities and towns and villages and homes; with churches and school-houses and academies; with rivers and railways and canals; with turnpikes and telegraphs and telephones; with mines and manufactories and machine shops and factories; with music halls and libraries and parks and pleasure resorts; with forests and woodlands and orchards and grainfields and meadows; with every luxury and comfort of an advanced civilization. Ohio, the first born, was admitted into the Union in 1802; Indiana in 1813; Illinois in 1818; Michigan in 1837; Wisconsin in 1848; while a generous tract was left for Minnesota which was admitted in 1858, and a small corner on Lake Erie which was conceded to Pennsylvania. The estimated value of all the real and personal property of these five states in 1880 was $10,181,000,000, or more than one-half of the total wealth of the country as estimated by Secretary Chase at the beginning of the civil war.

The last report of the national commissioners reports the number of school youth enumerated, 4,036,835; school youth enrolled in school, 2,748,261; number of school houses, 47,611; number of teachers, 84,783; expenditure for public schools, $32,982,000; value of public school property, $81,328,000.

In 1880 there were 3,062 newspapers and periodicals with an aggregate circulation per issue of 7,233,000. The ministers of the Protestant church numbered 16,891 with a membership of 2,071,510.

The report of the commissioner of education for 1884-5 shows colleges and universities of learning reporting 90; instructors in them, 889; students, 8,594;

value of buildings, grounds, apparatus and productive funds, $17,679,000.

In the five states there were 645 schools other than public schools, with 82,178 students.

In the patriotic work of preserving the Union the people of the northwest did their full share. Ohio sent into the field two hundred and thirty-four regiments, twenty-nine companies and twenty-seven batteries, making a total of 319,659 men. Indiana sent to the field one hundred and thirty-seven regiments, seventeen companies and twenty-six batteries, making a total of 197,147 men. Illinois sent into the field one hundred and seventy-six regiments, nine companies and eight batteries, making a total of 259,147 men. Michigan, fifty regiments, nine companies and eleven batteries, making a total of 89,372. Wisconsin sent into the field fifty-eight regiments, twelve batteries, making a total of 961,753 or 767,594 if the aggregate be reduced to a three years' standard.

When the great captain received his commission as lieutenant general of the army of the United States from Abraham Lincoln he invoked the favor of that Providence which leads both nations and men. "As the country herein trusts you, so, under God," said he, "it will sustain you." His cool judgment directed the mighty host whose heavy tramp shook the continent while his indomitable purpose blazed forth in every campfire that lighted the way from the northwest to Vicksburg and the Appomattox.

We hail with patriotic pride the sister states of Indiana, Illinois, Michigan and Wisconsin -children of the northwestern territory, and shining stars in the crowded galaxy of our flag. We pledge fealty to them by the memories of the great ordinance and look with

them to the Federal Constitution as the sacred covenant of a perpetual Union, and with sublime confidence adopt for our motto the words which mark the city of the first battlefield of the Revolution: "As God was to our fathers, so may He be to us."

JAMES A. GARFIELD

In the history of nations there have been three deaths by violence that appealed to the sympathy of mankind. William the Silent, who fell by the hand of an assassin, was entombed at Delft, amid the tears of a whole people, while it is recorded that there never was a more extensive, unaffected and legitimate sorrow felt at the death of any human being. The magnificent tomb which incloses his remains will not commemorate his name like the historian of the Dutch Republic who says that "He established an emancipated commonwealth upon a secure foundation."

Lincoln perished by the hand of an assassin. He represented the idea that the Republic should not die, and that idea was seen in the blazing camp fires of a hundred thousand men. The sleep of every soldier who died for his country is made sweeter, that by his side sleeps the President of the Union—so kind, so illustrious, so good. His praise will be sung by the lowly whom he lifted up, and by the oppressed whose wrongs he made his own.

Garfield, too, fell by the hand of violence. He stood upon an eminence, when he assumed the high office of executive of a great people which overlooked a hundred years of national life—a century, in his own language—crowded with perils, but crowned with the triumphs of liberty and law. In the review of that century the civil war was the supreme trial of the con-

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Delivered at the Unveiling of the Garfield Monument at Cincinnati, November 30, 1887.

stitution, and he called upon all to witness that the Union emerged from the blood and fire of that conflict purified and made stronger for all the beneficent purposes of government. Before even autumnal foliage had come his life went out, and like William the Silent and Lincoln he was buried amid the tears of a great people, and the name of Guiteau was added to that of Balthazar Gerard and Wilkes Booth, to be execrated of mankind.

There was in the life of this man one principle that asserted itself beyond all others, and merits the everlasting gratitude of the race. It was a supreme belief in his country and in the principles of humanity. When the call for 75,000 troops reached the Ohio senate, of which he was then a member, he moved that twenty thousand men and three million dollars be voted as the quota of the state. Five thousand stands of arms were secured from Illinois through his instrumentality, and then began the signing of the muster rolls, the stirring music of martial bands, the waving of regimental banners, the commands of the drill sergeants, the organization of companies and regiments. Then began the history of Ohio in the war—a history that is imperishable, for this state sent to the field two hundred and thirty-four regiments, twenty-nine companies and twenty-seven batteries, making a total of 319,659 men. He saw as with the eye of prophecy above the horizon of sectional interests; above all party prejudices and personal ends; above battle-hosts and even a victorious cause, the grand onward movement of the Republic, the perpetuation of its glory, the salvation of its liberty, the enforcement of equal and exact justice to all men, the embodiment into written organic law of those principles of government which have become

even inwrought into the habits and life of our people. It is true that he left the army before the supremacy of the government had been established, but from December 1863 to 1880 he was most potent in directing the legislation of the country. His history is written in the war legislation, measures of reconstruction, amendments to the constitution, maintenance of public credit, steps toward specie resumption in that most eventful period of our history. A monument need not be of brass or marble or stone to mark great achievements.

He believed, too, that humanity should be the oracle and law giver of a great people; that no man, nor class of men, could assert greater privileges than could be granted to all without endangering the peace of society; that the destruction of human slavery was the resurrection of liberty to the bondman not more than the resurrection of honor to America. He believed that Heaven has no heraldry and that it was not optional but imperative that freedom should carry with it absolute political equality and the banishment of complexional prescription.

It is strange that in a people like those of the Dutch Republic and of our own Republic even one hand should be found willing to take the life of the chief magistrate; a state which protects the life and liberty and religion and happiness of its dependent millions and "crowds its influence upon them as gently as the atmosphere lies on the cheek in June" should find its best security in the respect and devotion of its citizens. It may be that Providence is teaching the nation that the time of public danger is omnipresent, and that a calamity so far reaching as the death of the chief executive would more cordially unite a people alienated by civil

war. It is certain that the garments of the dead Cæsar were powerful and that the rude rents made by the daggers of the assassin cemented millions of Roman citizens.

While it is true that the late President believed in his party, believed in its teachings, believed that it was alone capable of dealing with the momentous issue of civil war, and the all important questions which demanded legislative action after the strife had ended, yet he had the courage of his convictions as to the liberty of the citizen against arbitrary power, and contended, with every English jurist and statesman from the first year of the reign of Edward III. when the Parliament of England reversed the attainder of the Earl of Lancaster because he could have been tried by the courts of the realm, that when the courts are open it is a time of peace in judgment of law. As early as March 6, 1866, in the Supreme Court of the United States, in the case *Ex Parte Milligan et al.*, when the passions of civil war were yet kindled, he declared that all over this land one of the great landmarks of civilization and civil liberty is the self-restraining power of the American people, curbing and governing themselves by the limit of the civil law. "This military commission," said Garfield, "sat at a place two hundred miles beyond the sound of a hostile gun, in a state that had never felt the touch of martial law, that had never been defiled by the tread of a hostile rebel foot, except on a remote border and then but for a day. That state with all its laws and courts, with all its securities of personal rights and personal privileges, is declared by the opposing counsel to have been completely under the control of martial law; that not only the constitution and laws of In-

diana, but the constitution and laws of the United States were wholly suspended so that no writ, injunction, prohibition, or mandate of any district or circuit court of the United States, was of any binding force or authority whatever except by permission of and at the pleasure of a military commander. Such a doctrine, may it please the court, is too monstrous to be tolerated for a moment, and I trust and believe that when this cause shall have been heard and considered, it will receive its just and final condemnation. Your decision will mark an important era in American history. The just and final settlement of this great question will take a high place among the achievements which have immortalized this decade. It will forever establish the truth, of inestimable value to us and mankind, that a Republic can wield the vast energy of war without breaking down the safeguards of liberty; can suppress insurrection, and put down rebellion however formidable, without destroying the bulwarks of law; can by the might of its armed millions, preserve and defend both liberty and nationality. Victories on the field were of priceless value, for they plucked the life of the Republic out of the hands of its enemies, and now if the protection of law shall, by your decision, be extended over every acre of our peaceful territory, you will have rendered the great decision of the century."

It is but proper that in the metropolis of this state the first born of the ordinance of 1787, the state which gave him birth,—there should be erected this testimonial to this distinguished son, who, as citizen or soldier, statesman or president, had an abiding faith in his country's future, and whose whole life, from early manhood, was spent in her service. He magnified the country and exalted the Republic as worthy the noblest

zeal and best affection. Whether one die by the hand of violence in middle life or by the decline of old age is a question less important than whether the life, while it lasted, were useful to mankind and one's country. No human hand directing a bullet can mould the fate of this people. The assassin can stop the pulse of a single great heart, can make the wife a widow, and the children fatherless, can bring our flags to half mast, can fill our eyes with tears, but it is the hand of Providence that leads nations from the morning to the night of their lives. God is mighty in this power and beautiful in His everlasting peace. If the standard fall, there are other hands to place it on the ramparts.

This occasion will be of little value to us or to those who may come after us, if no lesson is taught by the statue which will stand for generations on our streets. On Calton Hill the grateful citizens of Edinburgh have erected a monument to Nelson, not to commemorate the glorious victory of Trafalgar—too dearly purchased with his blood—but to teach young men to emulate his example and like him, if necessary, to die for their country.

It was the fortune of the dead President to have seen the flag of his country pass through the storm of battle until it again climbed up to the sacred places of former years; to have seen the track of the avenging cannon which was followed by the furrows of a peaceful husbandry; to have seen charity and mutual forgetfulness spreading all over the land like the fragrance of flowers which bloom from the beds of broken shell and forsaken cartridge boxes on the deserted fields of battle; to have seen the legislation which he directed crystallized into the permanent and enduring

forms of constitutional or statute law; to have seen the representatives of the great commonwealth confide to him the greatest interests in their power, and then to have heard and answered the voices of more than fifty millions of people calling him to the discharge of the highest trust ever committed to man—the welfare of a great people and their government. With him years were changed into centuries and his short life was crowned with the honors of many generations.

We dedicate this monument in the spirit of a generous magnanimity for all parts of our common country and to teach the latest generation the story of unexcelled patriotism and undying devotion to duty.

MAJOR GENERAL RICHARD MONTGOMERY

The inspiration of liberty belongs to every heart that beats to be free, and if the epitaph of Robert Emmett cannot now be written in all its fullness and the walls of the Irish parliament cannot now echo with the voices of Curran and a Grattan, yet the Harp of Erin will again be swept with even a sweeter minstrelsy than has yet been heard from the Foyle to the Lea.

We speak with veneration the name of Richard Montgomery, who was born December 2, 1738, at Conroy House, near Raphoe, Ireland, and who died too soon for his country, December 31, 1775, while storming the citadel of Quebec, in the thirty-seventh year of his age, the youngest major-general in the army of the Revolution. Only seventeen years before, November 25, 1758, George Washington, then in his twenty sixth year, pointed out to the army the junction of the Monongahela and Allegheny rivers, and entering the fortress the army planted the British flag on its deserted ruins. The banners of England then floated for the first time over the Ohio, the extreme western point of British rule in North America.

In the very same year young Montgomery was under the immediate command of General Wolfe and engaged in the capture of Louisburg, the American Gibraltar, guarding the entrance to the St. Lawrence from the

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Atlantic. During the intrenchment and siege of this great fortress, one of the most noted monuments of French power on this continent, Montgomery showed such heroism and military capacity that he was promoted to a lieutenant, July 10, 1758. He had all the advantages which a liberal education at Dublin College could afford, and at the eighteenth year of his age entered the British army, as an ensign of the Seventeenth infantry, being soon after called to the field. In 1757 his regiment was ordered to Halifax, and his career, fortunately for America, opened here and not in the Seven Years War of Prussia. There seems to be some doubt on the part of history whether Montgomery took part in the capture of Quebec when Wolfe fell in the arms of victory on September 13, 1759. It is certain that after the defeat of Abercrombie by Montcalm at Ticonderoga, July 8, 1758, the Seventeenth regiment, the regiment of Montgomery under Amherst, landed at Boston, September 13, and marched for fourteen days through an almost trackless wilderness to Fort William Henry, at the head of Lake George. In November following Amherst was appointed to supersede Abercrombie in the chief command of the British forces in America.

The next year England decided upon a vigorous campaign by sending Stanwix to complete the occupation of the posts connecting Lake Erie with the Ohio; Prideaux to reduce Fort Niagara; Amherst to move on Montreal by Lake Champlain; and Wolfe, with a large force supported by a fleet, to attack Quebec. Amherst, with eleven thousand men, including Montgomery's regiment, took possession of Ticonderoga and Crown Point, the keys to the defenses of Lakes George and

Champlain, and the banner of the Bourbons never floated over them again.

The daring enterprise of Wolfe wrested a magnificent empire from French domination. The news of his death and victory reached London in the very week the Houses met. All was joy and triumph—envy and faction joined in the general applause, and Parliament voted a monument to the man whose spirit inflamed every soldier who dragged a cannon up the heights of the proud citadel of Quebec. It was under the eye of such a commander that young Montgomery first received instruction in the art of war, and in this school became such an apt student.

Montgomery became the adjutant of his regiment in May 15, 1760, in the campaign of which Montreal was the objective point, and was under the command of Haviland whose column approached that city by the true strategic line of the Sorel. After the subjugation of Canada, by which America, north of the St. Lawrence and the lakes, changed masters, a large portion of the British forces were detached for service against the French and Spanish West India Islands, which campaign doubtless hastened the treaty of Versailles, February 10, 1763, and confirmed Great Britain in the possession of an extended empire in North America.

In these campaigns of 1761 and 1762, in the deadly climate of the West Indies, the Seventeenth regiment performed a full share, and Montgomery reaped fresh laurels as a brave and accomplished soldier, and won the promotion of a full captaincy in his regiment on May 16, 1762.

The Seventeenth infantry returned to New York after the official announcement of peace, and Montgomery obtained permission to revisit Europe, where

he remained for the next nine years, selling out his commission April 6, 1772, because a favorite had superseded him in the purchase of a commission as major, to which Montgomery's services justly entitled him. During this period of military inaction he became intimate with Burke and Fox and the gallant Barre, who was a fellow soldier, and wounded at Quebec, all of whom in parliament were the warm advocates of the Colonies in their struggle against the oppression of the Mother Country. There can be no doubt that the association with these bold spirits gave direction to those sympathies which so early manifested themselves when the armed contest came, just as doubtless the march to Montreal for the subjugation of the Canadas fifteen years before he fell at Quebec, first called attention to the strategic advantages of the invasion of Canada in the war with Great Britain. Montgomery, while still a captain in the British army, met Janet Livingston at Claremont, her father's country place on the Hudson —and where Grant is now buried—while stopping there on his way to a distant post. He returned to America early in 1773, and purchased a farm of sixty-seven acres at King's Bridge, near New York, upon which Fort Independence was subsequently built. The duty of the Seventeenth regiment was in America. For this reason when the Stamp Act was to be enforced, an order was given to employ that regiment, then in England, which Montgomery receiving with several others, declared publicly that they would throw up their commissions if the order were persisted in by the Crown.

The return of Montgomery to America in 1773, and the purchase of an estate near Claremont, the country place of Judge Livingston, one of the judges of the King's Bench, would lead to the inference that the im-

pression made by Janet Livingston on the youthful officer was a lasting one. He sought her hand as early as May, and addressed a note to Judge Livingston in the spirit of the chivalrous knight: "Though I am extremely anxious to solicit your approbation, together with Mrs. Livingston's, in an affair which nearly concerns my happiness and no less affects your daughter, I have nevertheless been hitherto deterred from this indispensable attention by reflecting that from so short an acquaintance as I have had the honor to make with you, I could not flatter myself with your sanction in a matter so important as to influence the future welfare of a child. I therefore wished for some good natured friend to undertake the kind office of giving a favorable impression, but finding you have already had intimation of my desire to be honored with your daughter's hand, and apprehensive lest my silence should have an unfavorable construction, I have ventured at last to request, sir, that you will consent to a union, which to me has the most promising appearance of happiness from the lady's uncommon merit and amiable worth. Nor will it be an inconsiderable addition to be favored by such respectable characters with the title of son, should I be so fortunate as to deserve it. And if to contribute to the happiness of a beloved daughter can claim any share with tender parents, I hope hereafter to have some title to your esteem. I am, sir, with great respect, your most obedient servant, Richard Montgomery." On the twenty-first of June following Judge Livingston replies from Claremont: "Sir—I received your polite letter by the hands of Mr. Lawrence, at Poughkeepsie, from whence I returned last night. I was then so engaged in the business of court, both night and day, that I had no time to answer it, and tho

I would have stolen an hour for that purpose, it required a previous consultation with Mrs. Livingston. Since we heard of your intentions, solicitous for our daughter's happiness, we have made such enquiries as have given a great deal of satisfaction. We both approve of your proposal, and heartily wish your union may yield you all the happiness you seem to expect, to which we shall always be ready to contribute all in our power. Whenever it suits your convenience, we hope to have the pleasure of seeing you here, and in the meantime I remain, with due respect, Robert R. Livingston." Livingston as Chancellor administered the oath of office of president of the United States to George Washington on the thirtieth of April, 1789, at New York.

The domestic life of General Montgomery was characterized by that refined sensibility and delicate consideration which mark the gentlemen. His home life was interrupted by his selection as a delegate to the First Provincial Convention, held in New York, in April, 1775. He doubted his fitness for civil service and accepted the position with reluctance. His letter during his public service in New York and from Ticonderoga and other points in the campaign against Canada, were full of affection. There are constant messages of remembrance and devotion even amidst the harassing vexations of camp life; nor did he hesitate in acting from a high sense of honor when the subject of a commission was suggested for a relative. "This very evening" (October 9, 1775, near Camp St. John's), he writes: "I received my dear Janet's letters to the twenty-third of September, which bring me the agreeable news of your recovery. I hope to have the same account of your good father and mother, whose health

and happiness I think myself deeply interested in. You are right. I most certainly might have advanced Harry to a majority. Disinterested and generous motives forever, I hope, prevent me from serving myself or family at the expense of the public. Though a spirited fellow, he has not experience for such an important post. I grant there are others as bad and worse—this is not my doing, nor will I ever have such a weight on my conscience."

His last will and testament executed on the thirtieth of August, 1775, at Crown Point, soon after the commencement of his last campaign, attests the same undying devotion to his family. While he gives most of his personal estate to his sister, Lady Ranselagh, of the Kingdom of Ireland, yet he declares that the ample fortune to which his wife will succeed, makes it unnecessary to provide for her in a manner suitable to her situation in life and adequate to the warm affection entertained for her. He could wish to recommend one or two of his sister's younger children to his Janet's protection, and made specific bequests of value to her. Judge Livingston and his son were named as executors. Benedict Arnold was a witness to the will, and that officer and Donald Campbell certified that the will and testament of General Montgomery was found by them among his papers a few days after his death, and immediately sealed up. A greater part of his wardrobe was purchased by Benedict Arnold himself. Governor Carleton, commandant at Quebec, sent General Montgomery's gold watch and seal to General Wooster, at Montreal, who sent them to the widow. General Montgomery left no descendants.

The title of Richard Montgomery to the gratitude

of the people of America is best found in that patriotic sense of duty with which he accepted the commission of brigadier general which had been tendered him by the Continental Congress on the twenty second day of June, 1775. The Continental Congress having resolved on armed resistance to the oppression of the mother country, elected, June 15, 1775, George Washington commander-in-chief of all the Colonial forces, and Horatio Gates adjutant-general. In writing to a friend he said: "The Congress having done me the honor of electing me a brigadier-general in their service, is an event which must put an end for a while, perhaps forever, to the quiet schemes of life I had prescribed for myself; for, though entirely unexpected and not deserved by me, the will of an oppressed people, compelled to choose between liberty and slavery, must be obeyed." From that hour until his blood crimsoned the snows of Canada, on that day in December, 1775, he devoted himself to the service and glory of his adopted country. On his departure for Canada Judge Livingston said to him, "Take care of your life." "Of my honor you would say," quickly responded Montgomery.

The campaign against Canada was intended by the Continental Congress to prevent its becoming a base of hostile operations against the Colonies by the armies of Great Britain. It was designed that Generals Schuyler and Montgomery, at the head of a body of New York and New England troops, were to seize Montreal, the approach to which was barred by the strong fortifications of St. John's and Chambly, on the Sorel, the outlet of Lake Champlain to the St. Lawrence; while Arnold marched through the wilderness of Maine. On August 26, 1775, the movement began down the

quiet waters of the beautiful Lake of Champlain, which for nearly two centuries had been the scene of long campaigns and desperate battles. General Schuyler, in writing of subsequent movements, said to Congress: "I cannot estimate the obligations I lie under to General Montgomery for the many important services he has done and daily does, and in which he has had little assistance from me, as I have not enjoyed a moment's health since I left Fort George, and am now so low as not to be able to hold a pen." General Schuyler soon retired to Albany, and the command of the whole invading force devolved on Montgomery. This officer was subjected to many embarrassments among which was the failure of the expedition against Montreal by Ethan Allen, who was captured with many of his troops. Fort Chambly was taken and with the garrison the colors of the Seventh British Fusileers—the first colors taken in the war of the Revolution and sent to the Continental Congress. Montgomery pressed on to Montreal which was abandoned November fourteenth and entered that city in triumph. Carleton, the governor of the Provinces, disguised as a peasant, escaped in a canoe and reached Quebec on the nineteenth to the great joy of the garrison, who placed every confidence in his well-known courage and ability, and without whom Canada was lost. When the news of Montgomery's brilliant success reached Congress it passed a vote of thanks, and on December 9, 1775, promoted him to be a major-general. The commission did not reach him before he perished under the frowning guns of haughty Quebec.

The President of the Continental Congress, then sitting in Philadelphia, transmitted the thanks of Congress for his great and signal services in the expedi-

tion committed to his command, against the British troops in the Province of Canada. The reduction of St. John's and Montreal were esteemed of inexpressible advantage to the United Colonies. Said President Hancock: "The victories already gained in Canada afford us a happy presage of the smiles of Providence in the further designation of the Continental arms of the North, and will, in all probability, greatly facilitate the entire reduction of the deluded malignants in that Province to liberty. These, sir, are exploits so glorious in their execution, and so extensive in their consequences, that the memory of General Montgomery will doubtless be of equal duration with the remembrance of the benefits derived from his command. At the same time that the Congress rejoice with you in the success of their arms under your immediate direction, they cannot avoid expressing their concern at the intimation you give of your intention to retire from the service. They are sensible that the loss of so brave and experienced an officer will be universally regretted, as a misfortune to all America. But they still hope that, upon reconsidering the matter, the same generous and patriotic motions which induced you to take so capital a part in opposing the unprovoked hostilities of an unnatural enemy will prompt you to persevere in the cause, and to continue gathering fresh laurels, till you find our oppressors reduced to reason and America restored to her Constitutional liberties."

Montgomery wrote to Congress: "Till Quebec is taken, Canada is unconquered." The weather was severe and there were desertions and discouragements, yet he led on his band of three hundred patriots over frozen ground and amidst drifting snows, keeping alive their hopes and cheering them on to endure every hard-

ship, by his own noble example of self-sacrifice and heroic devotion to his adopted country. The adventurous Arnold completed his memorable march—one of the most wonderful on record—with his half-starved, freezing army, through deep swamps, trackless forests and difficult portages, down the rushing rapids of the Kennebec and the St. Chandiere. On the first of December these two officers met at Ponte aux Trembles, twenty miles above the city, Montgomery taking command of the combined force, now only nine hundred effective men, with which on the fourth of December, in the face of a driving snow storm, he marched on to Quebec and established his headquarters at Holland House.

Montgomery was now in sight of the goal of his ardent wishes, to reach which he had for three months endured every species of toil and suffering. In his brief campaign, almost insurmountable obstacles had been overcome, and victory after victory had crowned his heroic efforts. Ticonderoga, Crown Point, Fort St. John's and Chambly, Montreal, Sorel and Three Rivers had all been captured by less than an ordinary brigade of American troops, whose march seemed irresistible and whose prowess spread terror everywhere. The Canadian peasantry believed them invincible and ball proof—by reason of the shirt uniform of Morgan's riflemen.

The Red Cross of St. George now floated solitary on the ramparts of Quebec, for Levi, Sillery, St. Foye, Lorette, Fort Chambly, the Island of Orleans, Beauport, and every inch of British territory around the city were in possession of the invaders. It was a proud moment for Montgomery when he contemplated all this, and surveyed the historic ground around him—in front the Plains of Abraham, where Wolfe and Mont-

calm had joined, September 13, 1759, in their death struggle; on either side the battlefield of St. Foye, where, six months later, April 28, 1768, the vainglorious Murray had lost nearly all that British valor had won; and beyond, with its clustering associations of nearly two centuries, the fortress capital of Canada, whose capture would perhaps crown him conqueror of British America.

The citadel of British power was provisioned for eight months, was armed with heavy pieces of artillery, had a garrison of 1800 regulars, militia and marines, and was commanded by the brave and accomplished General Guy Carleton, afterward Lord Dorchester, who, as governor of Canada, possessed almost absolute power. Investment of the place was out of the question; siege was equally impracticable, as there could be no sapping and mining in the hard frozen soil, covered with deep snow drifts. Weeks had now passed in unavailing efforts to capture the city. On one occasion, as Montgomery was reconnoitering near the town, the horse which drew his cariole was killed by a cannon ball. Biting cold and drifting snows paralyzed almost every movement; sickness and privation were producing insubordination, and perils on every hand were gathering around their undaunted leader, but his soul rose superior to every misfortune, and sustained him with the same moral grandeur which inspired Marshal Ney until the last of the rear guard of Napoleon's grand army had escaped the pursuing foe and the deadlier rigor of a Russian winter.

It was resolved, in a council of war, held December sixteenth as the only remaining, though desperate alternative, to carry the place by storm. Finally, at two o'clock on the morning of the last day of the year,

the whole command was paraded in three columns for the last dread trial; the morning was dark and gloomy; a violent pelting storm of cutting hail almost blinded the men, and the drifting snows obliterated all traces of highways. The soldiers wore hemlock sprigs to recognize each other, while others had pieces of white paper in their caps on which they had written "Liberty or death." A more daring attack than that which they were about to make has never been recorded on the pages of history. The two assaulting columns of Montgomery and Arnold began the march at five o'clock in the morning. The bells of the city sounded the alarm. Arnold's forlorn hope, led by Arnold himself, attacked and carried the battery after a desperate resistance in which that officer was severely wounded and had to be carried to the hospital. It was now daylight, and many of the best officers and men had been killed and wounded; hesitation and doubt seized the survivors, and the critical moment for the last cast of fortune was allowed to pass, when Captain Lam, at the head of two hundred of the garrison, sortied from the palace gate, cutting off the retreat of the Americans, nearly four hundred of whom were captured, the remaining survivors having escaped across the ice which covered the bay of St. Charles. At the same time that Arnold's division began its march, Montgomery, who could not be persuaded that the commander-in-chief should not expose his life in the advance, descended from the Plains of Abraham, at the head of a column of less than three hundred men, to the cove where Wolfe landed in 1759, and then in Indian file, cautiously led his forlorn hope along the margin of the St. Lawrence toward the very narrow pass of Pres d'Ville. The defile, only wide enough for two or three abreast was

swept by a battery of three-pounders loaded with grape and placed in a block house. At daybreak Montgomery's approach was discovered by the guard, and the gunners who had been kept under arms awaiting the attack, which they had reason to expect from the reports of deserters. Montgomery, while the rear of his column was coming up with the ladders, halted to reconnoiter in the dim dawn, which was darkened with the driving northeast storm. Deceived by the silence of the enemy, who with posttires lighted was eagerly waiting for his approach, and when within fifty yards of the guns, Montgomery cried out to his little band, as soon as about sixty were assembled: "Men of New York! You will not fear to follow where your general leads! March on, brave boys! Quebec is ours!" and then rushed boldly to charge the battery over the drifted snow and blocks of ice, some of which he cleared away with his own hands to make room for his troops. The enemy, waiting for this critical moment, discharged a shower of grape and musketry, with deadly precision, into the very faces of their assailants. Montgomery, pierced with three balls, his aide, MacPherson, the gallant Captain Cheeseman, and ten others were instantly killed. Carleton, the commandant of the post, was uncertain for several hours after the repulse as to Montgomery's fate, but a field officer among the captured troops of Arnold's detachment recognized among the thirteen frozen corpses, lying as they fell, in their winding sheet of snow, the Spartan leader of the heroic band. Through the courtesy of Carleton, the commanding general of the British forces, the body of Montgomery was privately interred, January 4, 1776, at the gorge of the St. Louis bastion. His short and light sword, of which he had thrown

away the scabbard, was found near him, and is now in the museum of the Literary and Historical Society at Morrin College, Quebec.

It is related that, "When the battle was over thirteen bodies were found at the place now known as Pres de Ville. That of Cheeseman, whose career had been brief but gallant, had fallen over the rocks. In the pathway lay MacPherson, the pure minded, youthful enthusiast for liberty, as spotless as the new-fallen snow which was his winding sheet, full of promise for war, lovely in temper, dear to the army, honored by the affection and confidence of his chief. There, too, by his side, lay Richard Montgomery, on the spot where he fell. At his death he was in the first month of his fortieth year. He was tall and slender, well limbed, of a graceful address, and an active frame; he could endure fatigue, and all changes and severities of climate; his judgment was cool, though he kindled in action, imparting sympathetic courage; never negligent of duty, never avoiding danger, discriminating and energetic, he had the power of conducting free men by their voluntary love and esteem; an experienced soldier, he was well versed in letters and in natural science; in private life he was a good husband, brother and son, an amiable and faithful friend; he overcame difficulties which others shunned to encounter; foes and friends paid tribute to his worth. The governor, lieutenant governor, and council of Quebec, and all the principal officers of the garrison, buried him and his aide-de-camp, MacPherson, with the honors of war."

At the news of his death, the city of Philadelphia was in tears; every person seemed to have lost their nearest friend. Congress proclaimed for him "their

grateful remembrance, respect, and high veneration; and, desiring to transmit to future ages a truly worthy example of patriotism, conduct, boldness of enterprise, insuperable perseverance, and contempt of danger and death," they reared a marble monument to the glory of Richard Montgomery.

Frederick of Prussia gave him praise as a military chief. In the British parliament Barre, his veteran fellow-soldier in the late war, wept profusely as he expatiated on their fast friendship and participation of service in the season of enterprise and glory, when Canada was conquered for Britain, and, holding up the British commanders in review, pronounced a glowing tribute to his superior merits. Edmund Burke contrasted the condition of the eight thousand men, starved, disgraced, and shut up within the single town of Boston, with the movements of the hero, who in one campaign had conquered two-thirds of Canada. "I," replied North, "cannot join in lamenting the death of Montgomery as a public loss. Curses on his virtues; they've undone his country. He was brave, he was able, he was humane, he was generous; but still he was only a brave, able, humane, and generous rebel." "The term of rebel," retorted Fox, "is no certain mask of disgrace. The great assertors of liberty, the saviors of their country, the benefactors of mankind in all ages, have been called rebels. We owe the constitution which enables us to sit in this house to a rebellion."

If Montesquieu sketched a government which should make liberty its end, Montgomery died that such a government might be realized on the continent of America. The blood shed on the heights of Quebec was not less sacred than that shed at Concord and Lexington, and sixty millions of free men to day rejoice in the sublime

consciousness and absolute security of free institutions. Partisan zeal and the conflict of parties now and then may disturb social order, but they are only as the winds playing capriciously round some ancient structure whose massive buttresses tranquilly bear up its roofs and towers and pinnacles and spires as they point to the stars.

The life of Richard Montgomery teaches that there is something in fixedness of principle and devotion to country. Three men stood, that eventful day, before the citadel of Quebec, whose names are conspicuous in American history. One of them afterwards rendered important services to his country and was most instrumental in forcing the surrender of Burgoyne at Saratoga, October 17, 1777, which revived the drooping hopes of the patriots and spread joy and exultation throughout the country. A magnificent monument has been erected on that field to tell of those who contributed to its glory. Gates and Schuyler and Morgan are there, but one niche is left vacant, like that of the unworthy Doge of Venice—to speak silently of the treason of Benedict Arnold, who died in exile from the country against which, in an evil hour, he had uplifted his hand. Another was a colonel in the army of the Revolution, became Vice-President of the United States and with one more vote would have reached the pinnacle of human ambition—the Presidency of the United States. He was indicted and tried for treason by his countrymen, and though his biographer, Parton, may attempt to throw the responsibility of the duel on Alexander Hamilton, yet he died under a great shadow; and only the other day I stood at a little monument at the foot of his father's grave erected in the night by unknown hands which tells of Aaron Burr.

Forty-three years after Montgomery fell his remains were removed from Quebec by "an act of honor" of the New York legislature, and were buried July 18, 1818, with brilliant military ceremonies, near the cenotaph erected by Congress. The remains lay in state at the capitol at Albany. The vessel which bore his body down the Hudson was received with muffled drums, mournful music and uncovered heads along the cities and villages near the river. Janet Livingston, his widow, looked at the sad pageant from Montgomery Place, with broken heart, and was found in an insensible condition after the *Richmond* had passed.

The young American either by birth or adoption, in passing along Broadway in the center of the great metropolis of his country, can read on the front of the Church of St. Paul a classical inscription penned by the hand of Benjamin Franklin and adopted by the Continental Congress even before the Declaration of Independence. It can be read with no less sincere affection after the lapse of more than one hundred years because it tells that "This monument is erected by order of Congress January 25, 1776, to transmit to posterity a grateful remembrance of the patriotism, conduct, enterprise and perseverence of Major-general Richard Montgomery, who, after a series of successes, amidst the most discouraging difficulties, fell in the attack on Quebec December 31, 1775, aged 37 years."

His sword, the symbol of his martial honor, lay close beside him upon the crimson stained snow. Some day another Montgomery, or, perhaps, the better counsels of peace, will plant the flag of the United States upon the proud battlements of Quebec, as the emblem of the power and greatness and glory of an ocean bound Republic.

IN MEMORY OF JUDGE E. F. NOYES, E. C. WILLIAMS AND JUDGE J. A. JORDAN

Brethren of the Bar:

The occasion which calls us together this morning is, perhaps, the most solemn and impressive in the history of this bar. Since the separation of the summer vacation, three of our number have passed away: Noyes, genial and chivalric; Williams, gentle hearted and companionable, and Jordan, courteous in demeanor toward both bench and brethren.

One had scarcely reached the meridian, while the shadows had not greatly lengthened for the other two when evening came and enveloped them in the fold of night. Indeed, their names have gone from among the living as softly and noiselessly as the sunlight fades from the hills. If the classics, called the studies of scholars—history, eloquence, poetry, music, art, the humanities—because they conquered in the name of peace, so, likewise, in our social and professional life, there are the gentler expressions of thought and word and action, which are termed the amenities; and these our friends valued and cultivated in daily contact with their fellow men. They realized that intolerance is born of egotism, and that selfishness comes of ignorance. They believed in a charity as universal as human weakness, and as omnipresent as the infirmities of human life. They did not grope in the darkness to search for doubts and phantoms, but walked in the sunshine, and re-

Remarks as Chairman of the Bar Meeting, held October 18, 1890.

joiced in bird-song and budding flower. They recognized the Golden Rule as the very foundation of public and private justice, and only wished with old Plato, in the Eleventh Book of the Dialogues, the same measure for themselves that they would mete out to others. In the world in which they moved there could be no religion, no education, no society, no law without this divine spirit.

Nor did they regard severity of disposition as necessary to maintain the dignity of their calling, but rather found an example in Sir Henry More, the first Lay Chancellor of England, throughout whose honored life there was a merry humor that even followed him to the scaffold, to which he had been sent by the order of a merciless tyrant.

It may well be claimed for them all that they met the demands of a high professional honor, and filled the measure of good citizenship. Each returning day, and each succeeding season, brings us nearer to them and to the Infinite and the Unfathomable on which they have entered. The docket of our courts will continue to be called from term to term, and there will be the fraternal greetings in the library from time to time; they will not be there, but the tender memories which cluster about their lives will not be dimmed with the coming and going of the years. Surely the admonition comes to us with amazing force this morning, that we can not walk too thoughtfully nor too carefully on the shore of life's great ocean. Our little barks will soon set sail on the same illimitable sea.

These memorial exercises are not intended to magnify the profession of law, for the history of the profession is the history of civilization. It has made secure the social fabric; it has clothed the harsher enact-

ments of legislative authority in the softer syllables of charity and love. It is true that there may have been a Finch, the attorney general of James II., to procure the conviction and death of the pure and virtuous Russell, and who, when he would have relieved himself in Parliament, only eight years afterward, of the odium of the act, was compelled to take his seat amidst the indignant clamor of the House; and there may have been a bloody Jeffries, who only escaped death upon the scaffold by perishing miserably in a prison cell, and whose name will be execrated as long as recollected. But after all, there is a Lord Hale, whose memory goes through the generations like a perpetual benediction, and there is the sublime example of Lord Coke, who declared, even in the presence of the king, when the royal prerogative was involved, that when the case happened he would do that which shall be fit for a judge to do.

In every age the lawyers have been the defenders of the peoples' rights, like Erskine when he contended for freedom of speech in the Stockdale trials; or like Hamilton, of whom it is said, that he established the true doctrine of libel in a single effort; or like Lincoln, the Springfield lawyer, who, in a patriotic period, directed a great people in the path of liberty and union; or like Stanton and Chase, of our own state bar, who so wielded the potent forces of war and finance that the flag was soon again restored to the high places.

To magnify this high profession to which, not as conscript, but as consecrated, we have been called, each one of us, like our departed brethren, must pursue his duty with fidelity and then calmly wait for time and eternity to tell how well that duty has been performed.

If I were permitted this morning to indulge my feel-

ings, it would be to speak of Noyes in the sweetness of an affection which comes from the ripened intimacy of the consultation room; of Williams in the warmth of a friendship which began in boyhood, followed him on his marriage day, and manifested itself in the pressure of his hand in the last good bye at the Lakes, while, unconscious to both, the seal of death was upon him; and of Jordan, in the generous confidence, awakened by years of the most pleasant, professional and social relations. The tributes which were laid on his grave by the bar of Montgomery county, where his life was mostly passed, attest more eloquently than words of mine how strongly he bound his friends and neighbors by the cords of affection.

We lament them with a sincere and abiding regret, just as running brooks deepen their channels as they go on forever, and as we turn from the dead to the living can only say what Cicero said of his friend Scipio, "No evil has happened to him; if to any, it has happened to us who have lost him. But to be too greatly grieved by our own loss is the part of one loving, not his friends, but himself."

RUFUS KING

Brethren of the Bar:

Perhaps no one of our number has passed through the gate of death crowned with more honorable years than Rufus King.

The curious observer, fond of tracing resemblances, might fancy that he was not unlike the received image of those who lingered about the Academy, while his colloquial powers might recall Socrates again as he is pictured by the affectionate Xenophon "handling all who conversed with him just as he pleased." There was, too, something of that antique simplicity that would have followed the wise man of Athens, barefoot in the Ilissus. Indeed, his image recalls that old elegy on Sir Philip Sidney:

> "A sweet, attractive kind of grace,
> A full assurance given by looks;
> Continued comfort in a face
> The lineament of Gospel books.
> For sure that count'nance cannot lie
> Whose thoughts are written in the eye."

He spoke, too, as he conversed—with the same pith and humor and with the same facility. But his facility did not tempt him. He was capable of fixed and continuous application of his mind to the examination and analysis of whatever question he took in hand.

Delivered at the Meeting of the Bar of Hamilton County, Ohio, April 7, 1891.

These faculties were all strengthened and sharpened by varied reading and acquirement, and by habits of careful study and reflection. If not always eloquent, he was always instructive. He was an excellent talker —an excellent public as well as private or social talker. If he had not the highest order of what, in popular phrase, is called genius, he had more solid common sense than any man of genius, in that he was a master of its practical use. He spoke as a thoughtful and conscientious man from the convictions of his own judgment. His opinions commanded respect and deference, and carried with them a corresponding weight and influence. His intelligent and independent judgment and his strong, practical good sense were always manifest. He believed that there is no vanity in true philosophy, and that the egotism of man must die away just so far as he beholds the glory of God. Like Moses, that egotism removes its shoes from off its feet as it approaches holy ground. He had that everlasting faith which believes that the Paradise were nothing if Christian philosophy should withdraw its doctrine of immortal life, and that Beatrice were only an imagination without that definition of virtue generalized on the plains of Palestine.

His spirit never stooped to littleness or meanness of action. He spent many hours with the monarchs of thought and gathered much of that dignity which it is said the Persian youth acquired from being educated in the palace of the king. He not only rejoiced in the sparkling mists and crests of the ocean but contemplated with awful awe the infinity of waters beneath. He wished to know the cause of things and insisted that Derzhavin could never have written his sublime hymn

had not the researches of Galileo and Newton taught him to say:

> "Thy chains the unmeasured universe surround,
> Upheld by Thee, by Thee inspired with breath.
> Thou the beginning with the end has bound,
> And beautifully mingled life with death."

The association of Rufus King with the schools of the children of the people gave them a high character which is still a cherished tradition and a wholesome influence. Charles McMicken gave to the city of Cincinnati a munificent endowment for the purposes of higher education. Rufus King commenced where Charles McMicken stopped. He thought that this populous city, with its wealth and substantial growth, with its libraries and halls of music and art, with its financial honor untouched amidst commercial disaster, with its manufactories of steel and brass and iron and wood, should give a splendid patronage to learning. He reasoned with the younger Pliny, who, in a letter to a friend, said that it was the work of patriotism, and that nothing could be more acceptable to the country, than to have the young men receive their education where they receive their birth, and to be accustomed from their infancy to inhabit and affect their native soil.

Rufus King prepared the Act upon which the University of Cincinnati is founded. He was the first chairman of the board of directors and continued in that position until his resignation in 1878. He contended that the University is but practically a part of the educational system of Cincinnati, and that an opportunity should be offered in the spirit of the McMicken trust for instruction in all the higher branches

of knowledge to the same extent that instruction is now given in any of the secular colleges or universities of the highest grade in the land. It cannot be asserted that the University has yet realized every expectation of its founders, but it can be successfully maintained that it has accomplished much in the cause of higher education.

He realized, too, that Cincinnati was a great manufacturing center and that there were many skilled workmen in her manufactories; that there were calls from every direction for renewed activity and a better development of her resources for supplying articles of beauty and utility; that every succeeding year would mark a higher degree of taste and design as well as skill in the finish of her workshops; that no surer way presented itself for securing this taste in design and skill in finish than a School of Design; that the object of such instruction was not alone intended for the mere sake of an accomplishment so much as for the subsequent application in all operative forms. He believed in affording facilities to the youth of Cincinnati in the direction of a culture which would not only enrich the city of their birth, but which would bestow on their country an art in harmony with its advanced civilization.

The Art Museum which crowns the summit of our hills, like the majestic Parthenon on the Acropolis, is largely the result of the patient thought and work of Rufus King in the original School of Art and Design in this city.

Nor was Rufus King less devoted to the state. He was a member of the third convention which assembled at Columbus, May 13, 1873, to revise, alter or amend the constitution of the state. He rendered important

service as a member of the judicial department from the first congressional district, and though not participating at length in the discussions of that body his long and successful professional life gave him great advantage in matters relating to our judicial system. On January 27, 1874, he was elected to succeed Morrison R. Waite, who had been appointed Chief Justice of the Supreme Court of the United States, as the presiding officer of that body. He was prompt, clear and impartial in his rulings and his eminent fitness for the place was soon recognized by every delegate in the convention.

The relations between Mr. King and myself, if I may be permitted a personal word, growing out of our association in the university board and as members of the constitutional convention were of the most cordial character. There was an abiding attachment that continued to the end. His home life was delightful. He worshipped his household gods. The sweetest incense daily arose from his domestic altar. In the social gatherings at his home during the sitting of the convention in this city there was much said that would have entertained Sydney Smith who would have been a welcome guest at the table of our genial host and friend.

Rufus King passed the allotted period of human life; yet to his latest years he exhibited the prints of a mind well disciplined and well furnished with the rich stores of a long experience. It could well be said of him as it was said of the younger Adams that "No excesses of a profligate youth, no vices of middle life had shattered and hurried to a premature dissolution the body in which his incorruptible spirit resided. Nothing in his habits of life interrupted with nature

to whose gentle influence it was left to destroy gradually and to restore in a good old age to its parent dust the perishable part of our friend. The law of mortality which knows no exceptions among the passing generations of our race, was executed in his case with as much tenderness and reserve, so to speak, as is ever permitted by Providence."

Lord Mansfield believed that the true philosophy of this life consisted in an honest endeavor and in the acquisition of honorable fame. Rufus King made an honest endeavor and acquired honorable fame. His ancestry entitled him to the title which comes of illustrious lineage. He was the crowned citizen only because he filled the whole measure of good citizenship. It is that conviction which makes the voice of regard and regret so universal in our city to-day.

Let the name of Rufus King stand in the grand old sense a gentleman, courteous, genial, kindly, dignified, gracious, just to all, masterly in affairs, constant in good works, lofty in principle, safe in counsel, of absolute integrity. He bore a name that was stainless and he honored that name.

THE DEFEAT OF MAJOR GENERAL ARTHUR ST. CLAIR

It is said that for more than six hundred years after the battle of Mortgarten the Swiss peasantry gathered upon the field of battle to commemorate those who had fallen for freedom. We have assembled to-day in the same spirit to do honor to the gallant dead, who, one hundred years ago, gave their lives for their country on this fatal field, and amidst their hallowed ashes to perpetuate the story of their unselfish patriotism. A great Republic, mighty in its perfect unity, guards with tender care the memory of every man, whether on land or on sea, who has lifted up his hand for his country and the glory of the flag.

We here reverently do honor not only to the memory of the gallant Butler and those who fell with him on that day of dreadful disaster under St. Clair, but to those tried and patriotic men who followed Anthony Wayne and perished at last at the Fallen Timbers, and those hardy pioneers who protected the frontier before civil authority was established, and saved defenseless settlements from the tomahawk and scalping knife of the Indian.

When George Washington, on the twenty-fifth day of November, 1758,—then in his twenty-sixth year,—planted the British flag on the deserted ruins of the

Delivered upon the Centennial Anniversary of the Defeat of Major General Arthur St. Clair, on the Occasion of the Re-Interment of the Dead who fell in the Engagement, on the Battlefield at Fort Recovery, Ohio, October 16, 1891.

fortress at the junction of the Monongahela and Allegheny rivers, the banners of England floated for the first time over the Ohio. This was the extreme western post of British rule in North America, and from the gateway of the west there stretched toward the setting sun the solemn and mysterious forest. There was nothing but an endless space of shadowy woodland. The forests crowned the mountains from crest to river bed, and extended in melancholy wastes toward the distant Mississippi. It has been well expressed that the sunlight could not penetrate the roof-archway of murmuring leaves, while deep in its tangled depths lurked the red foe, hawk-eyed and wolf-hearted. Here and there were great prairies with copses of woodland, like islands in the sunny seas of tall, waving grass. In all that solitude there was no sound save that of the woodman's axe.

The English had been driven from every cabin in the basin of the Ohio. France had her posts on each side of the Lakes, and at Detroit, Mackinaw, Kaskaskia and New Orleans, and the claim of France to the valleys of the Mississippi and the St. Lawrence seemed established by possession. The flag of the Bourbon dynasty which floated from the battlements of Quebec was the emblem of sovereignty over this vast territory.

The victory of Wolfe over Montcalm on the Heights of Abraham, on September 9, 1759, decided whether the vast Central Valley of North America should bear throughout all coming time the impress of French or English civilization. The continent was saved from French domination, and the dying hero praised God for the victory over the French as his spirit escaped in the blaze of its glory. The historian says that night, silence, the rushing tide, veteran discipline, the

sure inspiration of genius, had been his allies; his battlefield, high over the ocean-river, was the grandest theatre on earth for illustrious deeds; his victory, one of the most momentous in the annals of mankind, gave to the English tongue and the institutions of the Germanic race the unexplored and seemingly infinite West and North. He crowded into a few hours actions that would have given lustre to length of life; and filling his day with greatness, completed it before its noon.

The Northwestern Territory, after the conquest of the French possessions in North America by Great Britain, was ceded to Great Britain by France by the Treaty of Paris in 1763. By an act of Parliament of Great Britain passed in 1774, the whole of the Northwestern Territory was annexed to and made a part of the Province of Quebec, as established by the Royal Proclamation of October, 1763, and by the Treaty of Peace, signed at Paris, September 3, 1783, the claim of the English Monarch to the Northwestern Territory was ceded to the United States. The title claimed by Virginia, Massachusetts, New York and Connecticut was vested in the United States by the several deeds of cession.

Congress now proceeded to perfect its title to the soil and jurisdiction by negotiation with the Indian tribes—the original owners and rightful proprietors—notwithstanding charters and grants and treaties of peace. The Indian title to a large part of the territory within the limits of the state of Ohio having been extinguished, it became necessary for congress to provide a form of government for the territory northwest of the Ohio river. This led to the adoption of the ordinance of 1787.

Arthur St. Clair, an officer in the old French war, a

Major-general in the army of the revolution and president of the continental congress, was appointed governor of the Northwestern Territory in 1788, with Winthrop Sergeant as secretary, who also acted as chief magistrate in the absence of the governor. When St. Clair came to the territory in July, 1788, the tribes on the Wabash were decidedly hostile. They continued to invade the Kentucky settlements, while George Rogers Clark, at the head of the Kentucky volunteers, in return, destroyed their villages and waged a relentless warfare against them. Immigration was retarded by the fear of the tomahawk and scalping knife.

At the close of the Revolution the "regular army" had been reduced to less than seven hundred men, and no officer was retained above the rank of captain. This force was soon after reduced to twenty-five men to guard the mighty stores at Pittsburg, and fifty-five men to perform military duty at West Point and other magazines.

It was estimated that all the tribes in the territory at this time numbered twenty thousand souls. They were continually inflamed by British emissaries and agents and a feeling of hostility enkindled. These emissaries and agents made their headquarters at the frontier forts which had not been given up by Great Britain according to the terms of the treaty with the United States. The military force of the territory consisted of about six hundred men under the command of General Harmar who had been appointed a Brigadier-general on the thirty-first day of July, 1787.

In the early part of 1789, Governor St. Clair held a council at Fort Harmar, at the mouth of the Muskingum, with the chiefs and sachems of the six nations, and with the representatives of the Indian tribes from

the Mohawk Valley to the Wabash, when old agreements were confirmed and boundaries established. Many of the tribes refused to acknowledge the treaty as binding, and within a short period after the council at Fort Harmar bands of marauding Indians threatened the frontiers of Virginia and Kentucky.

It became evident that permanent peace with the Indians was an impossibility. They waylaid the boats, and wounded and plundered the immigrants all along the river from Pittsburgh to the Falls of the Ohio. General Harmar endeavored to chastise them, but his expedition was a disaster, and his command was defeated at the Maumee Ford in October, 1790.

The Federal Government proclaimed that the occupation of the territory meant peace and friendship and not war and bloodshed. These appeals were only answered by renewed depredations on the part of the Indians, who were largely instigated by the infamous Simon Girty—a renegade white man, at the mention of whose name for more than twenty years the women and children of the Ohio country turned pale.

The tribes of the west under Little Turtle, chief of the Miamis, Blue Jacket, chief of the Shawnees, and Buck ong-gee-a-helos, chief of the Delawares, now confederated to resist the whites and drive them, if possible, beyond the Ohio river, which the Indians regarded as the boundary of their territory. Cornplanter, a famous chief, at the table of General Wayne, at Legionville, in 1793, said, "My mind is upon that river;" pointing to the Ohio, "may that water ever continue to run and remain the boundary of lasting peace between the Americans and Indians on the opposite side."

The expeditions of Harmar and Scott and Wilkin-

son were directed against the Miamis and Shawnees, while the burning of their towns, the destruction of their cornfields and the captivity of their women and children only seemed to exasperate them and aroused more desperate efforts to defend their hunting grounds and to harass the invaders. In the meantime preparations were going forward for the main expedition of St. Clair, the purpose of which was to secure control over the savages, by establishing a chain of forts from the Ohio river to Lake Erie, and especially by securing a strong position in the heart of the Miami country. The defeat of Harmar proved the necessity of some strong check upon the Indians of the North West.

Indeed the main object of the campaign of 1791 was to build a fort at the junction of the St. Mary and the St. Joseph's rivers which was to be connected by other intermediate stations with Fort Washington and the Ohio. The importance of this position was recognized in a letter of General Knox, secretary of war, to St. Clair, dated September 12, 1790, and the secretary of war in his official report of St. Clair's defeat, dated December 26, 1791, says, "that the great object of the late campaign was to establish a strong military post at the Miami village—Maumee at the junction of the St. Joseph and the St. Mary." This object, too, was to be attained, if possible, even at the expense of a contest which otherwise he avoided.

The secretary of war, under the authority and direction of President Washington, issued full and complete instructions to General St. Clair for the conduct of the campaign. It was declared to be the policy of the general government to establish a just and liberal peace with all the Indian Tribes within the limits and

in the vicinity of the territory of the United States: but if lenient measures should fail to bring the hostile Indians to a just sense of their situation, it would then be necessary to use all coercive measures to accomplish the result.

General St. Clair was informed that by an act of Congress, passed September 2, 1790, another regiment was to be raised and added to the military establishment and provision made for raising two thousand levies for the term of six months for the service of the frontiers. It was contemplated that the mass of regulars and volunteers should be recruited and *rendezvous* at Fort Washington by the tenth of July following, so that there would be a force of three thousand "effectives," at least, besides leaving small garrisons on the Ohio, for the main expedition.

In order to prevent the Indians from spreading themselves along the line of the frontiers, in the event of the refusal of peace, Brigadier-general Charles Scott of Kentucky, was authorized to make an expedition against the Wea or Oniatenon towns, with mounted volunteers, or militia from Kentucky, not exceeding the number of seven hundred and fifty, officers included.

In his advance to the Miami Village, St. Clair was directed to establish such posts of communication with Fort Washington on the Ohio as should be deemed proper, while the post at the confluence of the St. Mary and the St. Joseph was intended for the purpose of awing and curbing the Indians in that quarter, and as the only preventive of future hostilities. It was necessary that it should be made secure against all attempts and insults of the Indians. The garrison to be stationed there was not only to be sufficient for

the defense of the place, but always to afford a detachment of five or six hundred men, either to chastise any of the Wabash or other hostile Indians, or to secure any convoy of provisions.

It was left to the discretion of the commanding general to employ, if attainable, any Indians of the Six Nations, and the Chickasaws or other southern nations, with the suggestion that probably the employment of about fifty of each, under the direction of some discreet or able chief, might be advantageous. There was a caution that they ought not to be assembled before the line of march was taken up, for the reason that they soon become tired and would not be detained.

The secretary of war presumed that disciplined valor would triumph over the undisciplined Indian. In that event the Indians would sue for peace, and the dignity of the United States government required that the terms should be liberal. In order to avoid future war it was thought proper to make the Wabash, and thence over to the Miami—the Maumee—and down the same to its mouth at Lake Erie, the boundary, except so far as the same might relate to the Wyandots and the Delawares, on the supposition of their continuing faithful to their treaties. But if these tribes should join in war against the United States they should be removed beyond this boundary.

There was also discretion given to General St. Clair to extend the boundary from the mouth of the river Au Panse of the Wabash in a due west line to the Mississippi, since but few Indians, beside the Kickapoos, would be affected by such line, but there was an admonition that the whole matter should be tenderly managed. The policy of the United States dictated peace

with the Indians, for peace was of more value than millions of uncultivated acres.

It was thought possible that the establishment of a post at the Miami Village might be regarded by the British officers on the frontier as a circumstance of jealousy. It was suggested, therefore, that such intimations should be made at the proper time, as would remove all such dispositions. It was the judgment of the secretary of war that such intimations should rather follow than precede the possession of the post.

It is interesting—after the lapse of one hundred years—to know the feeling entertained by the Federal Government toward Great Britain in the campaign of the Northwestern Territory. Within twenty-one years after the defeat of St. Clair on this fatal field there was a formal declaration of war between the United States and Great Britain, and within twenty-one years General Harrison heard the thunder of Perry's guns as they proclaimed that the American arms had undisputed possession of Lake Erie.

In the very instructions to which we have alluded, it was declared that it was neither the inclination, nor the interest, of the United States to enter into a contest with Great Britain, and that every measure tending to any discussion or altercation should be prevented. General Knox said, "The delicate situation, therefore, of affairs, may render it improper at present, to make any naval arrangements upon Lake Erie. After you shall have effected all the injury to the hostile Indians of which your force may be capable, and after having established the posts and garrisons at the Miami Village and its communications, and placing the same under the orders of an officer worthy

of such high trust, you will return to Fort Washington on the Ohio."

"It is proper to observe," continued the secretary of war, "that certain jealousies have existed among the people of the frontiers relative to a supposed interference between their interest, and those of the marine states; that these jealousies are ill founded with respect to the present government is obvious. The United States embrace, with equal care, all parts of the Union, and, in the present case, are making expensive arrangements for the protection of the frontier, and partly in the modes, too, which appear to be highly favored by the Kentucky people. The high station you fill of commander-in-chief of the troops and governor of the Northwestern Territory, will afford you pregnant opportunities to impress the frontier citizen of the entire good disposition of the general government toward them in all reasonable things, and you will render acceptable service by cordially embracing all such opportunites."

General St. Clair proceeded to organize his army under these instructions. He was in Pittsburg in the following April, toward which point horses and stores and ammunition were going forward. On the fifteenth of May, St. Clair reached Fort Washington (now Cincinnati), and at that time the United States troops in the west amounted to but two hundred and sixty-four non-commissioned officers and privates who were fit for duty. On the fifteenth of July, the first regiment, containing two hundred and ninety-nine men reached Fort Washington.

General Richard Butler who fell in the engagement, and for whom Butler county was named—was appointed second in command, and during the months of

April and May was engaged in obtaining recruits, but when obtained there was no money to pay them, nor to provide stores for them. There was great inefficiency in the quartermaster's department. Tents, pack saddles, kettles, knapsacks and cartridge boxes were all deficient, both in quantity and quality. The powder was poor or injured, the arms and accoutrements out of repair, and not even proper tools to mend them. Of six hundred and sixty-five stands of arms at Fort Washington, designed by St. Clair for the militia, scarcely any were in order; and with two traveling forges furnished by the quartermaster, there were no anvils. The troops gathered slowly at Fort Washington, and there were vexatious detentions at Pittsburg and upon the river. Intemperance prevailed to a great extent. St. Clair then ordered the soldiers removed, now numbering two thousand men, to Ludlow Station, about six miles from the fort.

The army continued here until September 17, 1791, when, being two thousand three hundred strong, moved forward to a point on the Great Miami river when Fort Hamilton was built, the first in the chain of fortresses.

On the thirteenth of September, General St. Clair reconnoitered the country and selected the ground to erect another fort for the purpose of a deposit. Two hundred men were employed the following day, under direction of Major Ferguson, at the new fort. This was the second in the chain of fortifications and was called Fort Jefferson. The army took up the line of march on the morning of the twenty-fourth and pursued an old Indian path leading north through a fine open woods, and, after advancing six miles encamped

along the bank of a creek, with a large prairie on the left. This camp was afterwards called Fort Greenville, by General Wayne, and marks the site of the town of Greenville.

On the third day of November the army encamped on pleasant dry ground, on the bank of a creek about twenty yards wide, said to be the Pickaway Fork of the Omee, but known since to be a branch of the Wabash. This was ninety-eight miles from Fort Washington. It was later than usual when the army reached the ground that evening, and the fatigue of the men prevented the general from having some works of defense immediately erected. Major Ferguson, commanding officer of the artillery was sent for, and a plan agreed upon for work to commence early the next morning. Indeed it was the intention of St. Clair to leave the heavy baggage at the place and move on with the army to the Miami Village. The high dry ground was barely sufficient to encamp the army, so that the lines were contracted. The front line was parallel with the creek, which was about twenty yards wide. There was low wet ground on both flanks, and along most of the rear. The militia advanced across the creek, about three hundred yards. The frequent firing of the sentinels through the night had disturbed the camp, and excited some concern among the officers, while guards had reported the Indians skulking about in considerable numbers. At ten o'clock at night General Butler, who commanded the right wing, was directed to send out an intelligent officer and party for information. There was much bitter controversy on this subject afterwards. An aide-de-camp to General St. Clair states that he saw Captain Slough, with two subalterns and thirty men parade at General Butler's

tent for that purpose, and heard General Butler give Captain Slough very particular orders how to proceed. The aide-de-camp, with two or three officers, remained with General Butler until a late hour, and then returned to the commander-in-chief, who was unable to be up, and whose tent was at some distance on the left. General St. Clair had been indisposed for some days past, with what at times appeared to be "a billious colic, sometimes a rheumatic asthma, and at other times symptoms of the gout."

In the *Military Journal* of Major Ebenezer Denny, an officer in the Revolutionary and Indian Wars, and an aide-de-camp to General St. Clair, published by the Historical Society of Pennsylvania, will be found, perhaps, the best account of the engagement itself.

"A light fall of snow lay upon the ground—so light that it appeared like hoar frost. On a piece of rising ground, timbered with oak, ash and hickory, the encampment was spread with a fordable stream in front. The army lay in two lines, seventy yards apart, with four pieces of cannon in the centre of each. Across the stream, and beyond a rich bottom land three hundred yards in width, was an elevated plain, covered with an open front of stately trees. There the militia, three hundred and fifty independent, half-insubordinate men, under Lieutenant Colonel Oldham, of Kentucky, were encamped.

"The troops paraded on the morning of the fourth of November, 1791, at the usual time. They had been dismissed from the lines but a few minutes, and the sun had hardly risen, when the woods in front resounded with the fire and yells of the savages. The volunteers who were but three hundred yards in front, had scarcely time to return a shot before they fled into

the camp of the enemy. The troops were under arms in an instant, and a brisk fire from the front line met the enemy. The Indians from the front filed off to the right and left and completely surrounded the camp, and, as a result, cut off nearly all the guards and approaches close to the lines. The savages advanced from one tree, log, or stump to another under cover of the smoke of the guns of the advancing army. The artillery and musketry made a tremendous noise, but did little execution. The Indians braved everything, and when the army of St. Clair was encompassed, they kept up a constant fire, which told with fatal effect, although scarcely heard. The left flank, probably from the nature of the ground, gave way first. The enemy got possession of that part of the encampment, but were soon repulsed, because the ground was very open and exposed.

"General St. Clair was engaged at that time toward the right. He led, in person, the party that drove the enemy and regained the ground on the left.

"The battalions in the rear charged several times and forced the enemy from the shelter, but the Indians always turned and fired upon their backs. The savages feared nothing from the Federal troops. They disappeared from the reach of the bayonet and then appeared as they pleased. They were visible only when raised by a charge. The ground was literally covered with the dead and dying. The wounded were taken to the centre where it was thought most safe, and where a great many had crowded together after they had quitted the posts. The general, with other officers, endeavored to rally these men, and twice they were taken out to the lines. The officers seemed to be

singled out, and a great proportion fell or retired from wounds early in the action.

"The men, being thus left with few officers, became fearful, and, despairing of success, gave up the battle. To save themselves they abandoned their ground, and crowded in toward the centre of the field. They seemed perfectly ungovernable, and no effort could again place them in order for an attack.

"The Indians at length secured the artillery, but not until the officers were all killed, save one, and that officer badly wounded. The men were almost all cut off, and the pieces spiked. As the lines of St. Clair's army were gradually deserted the lines of the Indians were contracted. The shots then centered, and with deliberate aim the execution was fearful. There was, too, a cross-fire, and officers and men fell in every direction. The distress and cries of the wounded were fearful. A few minutes later and a retreat would have been impossible. The only hope was that the savages would be so taken up with the camp as not to follow the retreating army. Delay was death. There was no opportunity for preparation. Numbers of brave men must be left on the field as a sacrifice. There was no alternative but retreat. It was after nine o'clock when repeated orders had been given to retreat. The action had continued between two and three hours. Both officers and men were incapable of doing anything. No one was aroused to action until a retreat was ordered. Then a few officers advanced to the front and the men followed. The enemy then temporarily gave way because there was no suspicion of the retreat. The stoutest and most active now took lead, and those who were foremost in breaking the lines of the enemy were soon left in the rear.

"When the day was lost one of the pack-horses was procured for General St. Clair. The general delayed to see the rear. This movement was soon discovered by the enemy, and the Indians followed though for not more than four or five miles. They soon turned to share the spoils of the battlefield. Soon after the firing ceased an order was given to an officer to gain the front and, if possible, to cause a halt that the rear might reach the army. A short halt was caused, but the men grew impatient and would move forward. By this time the remainder of the army was somewhat compact, but in the most miserable and defenseless state. The wounded left their arms on the field, and one half the others threw them away on the retreat. The road for miles was covered with fire-locks, cartridge boxes and regimentals. It was most fortunate that the pursuit was discontinued for a single Indian might have followed with safety on either flank. Such a panic had seized the men that they were ungovernable.

"In the afternoon a detachment of the first regiment met the retreating army. This regiment, the only complete and best disciplined portion of the army, had been ordered back upon the road the thirty-first of October. They were thirty miles from the battle ground when they heard distinctly the firing of the cannon, were hastening forward and had marched about nine miles, when met by some of the militia who informed Major Hamtramck, the commanding officer, that the army was totally destroyed. The major judged it best to send a subaltern to obtain some knowledge of the situation, and to return himself with the regiment to Fort Jefferson, eight miles back, and to secure at all events that post. Stragglers continued

to come in for hours after the main army had reached the fort.

"The remnant of the army, with the first regiment, was now at Fort Jefferson, twenty-nine miles from the field of action, without provisions, and the former without having eaten anything for twenty-four hours. A convoy was known to be upon the road, and within a day's march. The general determined to move with the first regiment and all the levies able to march. Those of the wounded and others unable to go on, were lodged as comfortably as possible within the fort. The army set out a little after ten o'clock that night and reached Fort Hamilton on the afternoon of the sixth, the general having reached there in the morning. On the afternoon of the eighth the army reached Fort Washington.

"St. Clair behaved gallantly during the dreadful scene. He was so tortured with gout that he could not mount a horse without assistance. He was not in uniform. His chief covering was a coarse crappo coat, and a three cocked hat from under which his white hair was seen streaming as he and Butler rode up and down the line during the battle. He had three horses killed under him. Eight balls passed through his clothes. He finally mounted a pack-horse, and upon this animal, which could with difficulty be spurred into a trot, he followed the retreat."

That evening Adjutant-general Sargeant wrote in his diary "The troops have all been defeated and though it is impossible at this time to ascertain our loss yet there can be no manner of doubt that more than one-half the army are either killed or wounded."

Atwater in his history of Ohio says that there were in the army, at the commencement of the action, about

two hundred and fifty women, of whom fifty-six were killed in the battle, and the remainder were made prisoners by the enemy, except a small number who reached Fort Washington.

The true causes of the disaster have been the subject of much controversy. The committee of the House of Representatives, as stated in the American State Papers (Vol. XII, 38) exonerated St. Clair from all blame in relation to everything before and during the action.

The real reasons were doubtless the surprise of the army and the consequent confusion and plight of the militia who were first attacked. The militia, as St. Clair says, were a quarter of a mile in advance of the main army, and beyond the creek; still further in advance was Captain Slough, who, with a volunteer party of regulars sent to reconnoiter; and orders had been given to Colonel Oldham, who commanded the militia, to have the woods thoroughly examined by the scouts and patrols, as Indians were discovered hanging about the outskirts of the army. The want of discipline and inexperience of the troops, doubtless, contributed to the result. The battle began at six o'clock in the morning and lasted until about half past nine. They were not overwhelmed, as St. Clair supposed, by superior numbers. The Indians according to the best accounts did not exceed one thousand warriors. They fought, however, with desperate valor, and at a great advantage from the nature of the ground and from the facilities the forest afforded for their favorite mode of attack. They were led, too, by the greatest chieftain of that age. It has been the received opinion that the leader of the confederated tribes on that fatal day was Little Turtle, the chief of the Miamis; but

from the family of that celebrated warrior and statesman, it is ascertained that Joseph Brandt (Stone's Brandt, II, p. 313) with one hundred and fifty Mohawk braves was present and commanded the warriors of the wilderness. Colonel John Johnston, long the Indian agent, thinks that the number of the Indians could not have been less than two thousand men, but this estimate is not accepted as accurate. General Harmar not only refused to join the expedition, but the relations between St. Clair and Butler were not of the most cordial character. It is evident from the events connected with the campaign, as well as from his subsequent career as governor of the Northwestern Territory, that St. Clair was dictatorial in manner and spirit.

The battle which took place here on that eventful day in November, 1791, seems to pale before the mighty achievements of the late civil war, when great armies were picked up on the banks of the Potomac and dropped on the banks of the Cumberland and the Tennessee, and when the shouts of more than a million of men, mingled with the roar of the Atlantic and Pacific as they passed onward in the ranks of war. The defeat of St. Clair was the most terrible reverse the American arms ever suffered from the Indians. Even the defeat of Braddock's army was less disastrous. Braddock's army consisted of twelve hundred men and eighty six officers, of whom seven hundred and fourteen men and sixty-three officers were killed and wounded. St. Clair's army consisted of fourteen hundred men and eighty-six officers, of whom thirty-seven officers and five hundred and ninety-three privates were killed and missing and thirty-one officers and two hundred and fifty-two privates wounded. It is true

that when the army advanced from Fort Jefferson it numbered about two thousand men, but discharges and desertions reduced the effective strength on the day of action to only about fourteen hundred men. The second regiment had but one battalion with the army. It was well appointed, but inexperienced. The officers and men, however, did their whole duty; they with the battalion of artillery, were nearly all cut off.

Bancroft in speaking of Braddock's defeat says that the forest field of battle was left thickly strewn with the wounded and the dead. Never had there been such a harvest of scalps. As evening approached, the woods around Fort Du Quesne rang with the halloos of the red men; the constant firing of small arms, mingled with the peal of cannon from the fort. The next day the British artillery was brought in, and the Indian warriors, painting their skin a shining vermilion, with patches of black and brown and blue, gloried in the laced hats and bright apparel of the English officers. This language, but for the British artillery and the English officers, would be descriptive of the field.

The people of the western counties of Pennsylvania and Virginia memorialized their governors for protection. "In consequence of the late intelligence of the fate of the campaign to the westward," says a committee of the citizens of Pittsburg, "the inhabitants of the town of Pittsburg have convened and appointed us a committee for the purpose of addressing your excellency. The late disaster to the army must greatly affect the safety of this place. There can be no doubt but that the enemy will now come forward and with more spirit and greater confidence than they ever did before, for success will give confidence and secure allies."

"The alarming intelligence lately received," said the people of the western portion of Virginia, "of the defeat of the army of the western country, fills our minds with dreadful fear and apprehension concerning the safety of our fellow citizens in the country we represent, and we confidently hope will be an excuse for the request we are compelled to make."
evinced in behalf of the distressed frontier counties for the request we are compelled to make."

"But the comparative losses of the two engagements," says a writer in the Western Annals, "represents very inadequately the crushing effect of the defeat of St. Clair. An unprotected frontier of a thousand miles, from the Allegheny to the Mississippi, was at once thrown open to the attack of the infuriated and victorious savages. The peace enjoyed for the several preceding years had wrought a great change in the western settlements. The Indian hunters of the Revolutionary war had laid aside their arms and their habits and devoted themselves to the cultivation of the soil; the block houses and forts around which the first settlers had gathered were abandoned, and cabins, clearings and hamlets instead were scattered in exposed situations all along the border. Everywhere the settlers, unprotected and unprepared, were expecting in terror the approach of the savages, and everywhere abandoning their homes, or awaiting in helpless despair the burnings, massacres and cruelties of Indian wars."

General Harmar was at Fort Washington in September, 1791, to solicit a court of inquiry to examine into misconduct in the last campaign. The court was ordered—with General Richard Butler as president—and a report was made highly honorable to General

Harmar. He was then determined to quit the service and positively refused to take any command in the campaign of St. Clair. He conversed frequently and freely with a few of his friends on the probable results of the campaign, and predicted defeat. He suspected a disposition in Major Denny to resign but discouraged the idea. "You must" said he, "go in the campaign; some will escape, and you may be among the number." It was a matter of astonishment to General Harmar, who had experience in fighting the Indians, that General St. Clair, who had an excellent military reputation, should think of hazarding that reputation and even his life, and the lives of so many others, with an army so completely undisciplined, and with officers so totally unacquainted with Indian warfare, and with not a department sufficiently prepared. There, too, was an absolute ignorance of the collected force and situation of the enemy. Indeed the scouts who left camp on the twenty-ninth of October under command of Captain Sparks, and composed chiefly of friendly Indians, missed the enemy altogether and knew nothing of the battle, and but for an Indian runner whom they met after the engagement would probably have all been captured. It was unfortunate, too, that both the general officers had been disabled by sickness.

The popular clamor against St. Clair was loud and deep. He had suffered a great reverse and was, therefore, accused by the public voice of great incompetence. He asked from the president the appointment of a court of inquiry, but the request was denied because there were not officers enough in the service of the proper rank to constitute such a court. He then offered to resign his commission on condition that his conduct should be investigated, but the ex-

igencies of the service would not permit of the delay, and his request was again refused.

Governor St. Clair continued to exercise the office of governor of the territory until 1802, and to the last, says Marshall in his life of Washington, retained the undiminished esteem and good opinion of Washington.

In a letter to Jonathan Dayton from John Cleves Symmes, dated North Bend, August 15, 1791, the writer says that "nothing is known when the present army is to be put in motion. They are encamped at the Ludlow Station, five miles from Fort Washington on account of better food for the cattle, of which they have nearly one thousand head from Kentucky. Many and important are the preparations to be made previous to their general movement. Not long since I made General St. Clair a tender of my services on the expedition. He replied, 'I am very willing that you should go, sir, but, by God, you do not go as a Dutch deputy.' I answered that I did not recollect the anecdote of the Dutch deputation to which he alluded. His excellency replied: 'The Dutch, in some of the wars, sent forth an army under the command of a general officer, but appointed a deputation of burghers to attend the general to the war, that they might advise him when to fight and when to decline.' I inferred from this that I should be considered by him rather as a spy upon his conduct than otherwise, and therefore do not intend to go, though I should have been happy to have seen the country between this and Sandusky."

It is needless to add that had Judge Symmes accompanied the army his opportunity for observing the

country in the neighborhood of Fort Recovery would have been too limited for any practical use.

"In May, 1815," says a writer, "four of us called on Arthur St. Clair on the top of Chestnut Ridge, eastwardly eight or ten miles from Greensburg, Westmoreland county, Pennsylvania. We were traveling on horseback to Connecticut, and being informed that he kept tavern, we decided to call for entertainment for the night. We alighted at his residence late in the afternoon, and on entering the log house we saw an elderly, neat gentleman, dressed in black broadcloth, with stockings and small clothes, shining shoes, whose straps were secured by large silver buckles, his hair clubbed and powdered. On closing his book he arose and received us most kindly and gracefully, and pointing us to chairs he asked us to be seated. On being asked for entertainment, he said: 'Gentlemen, I perceive you are traveling, and though I should be gratified by your custom, it is my duty to inform you I have no hay or grain. I have good pasture, but if hay and grain are essential, I can not furnish them.'

"There stood before us a major-general of the Revolution—the friend and confidant of Washington—late governor of the territory northwest of the Ohio river, one of nature's noblemen, of high, dignified bearing, whom misfortune, nor the ingratitude of his country, nor poverty, could break down nor deprive of self-respect; keeping a tavern but could not furnish a bushel of oats nor a loch of hay. We were moved principally to call upon him to hear him converse about the men of the Revolution and of the Northwestern Territory, and our regret that he could not entertain us was greatly increased by hearing him converse about an hour. The large estate which he sacrificed

for the cause of the Revolution was within a short distance of the top of Chestnut Ridge—if not in sight." He died on the thirty-first day of August, 1818, near Greensburg, Pennsylvania, in the eighty-fourth year of his age. His best eulogist speaks of him as an enemy to the Indian tribes in war, but more frequently their friend and counsellor in peace.

In January, 1792, General James Wilkinson, who then commanded at Fort Washington, made a call for volunteers, to accompany an expedition to the scene of St. Clair's defeat, for the purpose of burying the dead. Ensign William Henry Harrison—afterwards president of the United States—was attached to one of the companies of the regular troops. The volunteers numbered more than two hundred and fifty mounted men, and two hundred regular soldiers from Fort Washington. They began the march on the twenty-fifth day of January, 1792, from Fort Washington, and afterwards completed the organization by electing Captain John S. Gano as major. They crossed the Big Miami on the ice, with horses and baggage, at Fort Hamilton, on the twenty-eighth day of January. The general in command issued an order at Fort Jefferson abandoning one of the objects of the campaign, which was a demonstration against an Indian town on the Wabash, not far distant from the battle ground of St. Clair. The regular soldiers, all on foot, returned to Fort Washington. The expedition reached the scene of disaster at eleven o'clock, but for a long distance along the road and in the woods, the bodies of the slain could be seen, scalped, in many instances, and mutilated by the wild beasts.

It is said that the body of General Richard Butler was recognized where the carnage had been the thick-

est, and among a group of the slain. The bodies were gathered together, and in the solitude of the forest, and amidst the gloom of winter, were given a last resting place.

It is not possible to call the list of the slain in any engagement. Many must be left to catch the tears of mothers, and wives, and sisters, shed in desolated homes and by vacated firesides. The officers who fell in the battle were Major-general Butler, second in command; Major Ferguson, Captain Bradford, and Lieutenant Spear, of the artillery; Major Heart, Captains Phelon, Newman and Kirkwood, Lieutenants Warren and Ensign Cobb, of the second regiment; Captains Van Swearingen, Tibton and Price, Lieutenants McMath and Boyd, Ensigns Wilson and Reaves, Brooks and Chase, Adjutant Burges and Doctor Grayson, of the first regiment of levies, Captains Cribbs, Piatt, Smith and Purdy, Lieutenants Kelso and Lukens, Ensign McMichle, Beatty and Purdy, and Adjutant Anderson of the second regiment of levies. Lieutenant Colonel Gibson of the Bayonets died of his wounds at Fort Jefferson; and the Lieutenant Colonel Oldham, Captain Lemon, Lieutenant Briggs and Ensign Montgomery of the Kentucky Militia. General William Darke, for whom Darke county was named, was lieutenant-colonel of the first regiment of levies and was wounded in the engagement. He died on the twentieth day of November, 1801.

The death roll shows five hundred and ninety-three privates killed and missing in the engagement. They are dead on the field of honor.

The national government is gathering together the remains of those who fell under the flag and reinterring them in cemeteries with appropriate memorials

to commemorate their names and their deeds. A sacred duty to the dead of the battlefield will not have been discharged by the federal government until a stately shaft of magnificent proportions shall be erected, to tell not only of that eventful day in November, but to teach the coming generations as well, by their example, when duty requires, to die for their country.

We turn from the ashes of the heroic dead to contemplate, with a supreme affection, the country for which they died. One hundred years have passed since that day of disaster for the whole Northwestern Territory. It has been a century crowned by the blessings of liberty and order and law. The gently flowing Wabash traverses almost a continent where the English tongue is the language of Freedom, until its quiet waters mingle with the Gulf. The harvests are peacefully gathered to their garners, and the songs of home are uninvaded by the cries and terrors of battle. The principle of civil and religious liberty upon which five great republics of the northwest have erected their law and constitution, is strong in the hearts of a people who breathed the inspiration of freedom from the very air of heaven, and whose soil was never cursed by the unrequited toil of the bondman. We may well have faith in the greatness and permanence of our political creations and in unbroken unity, prophecy, and unconquerable strength.

Talleyrand characterizes the United States, in speaking to the Emperor Napoleon, as a giant without bones. If the diplomat were here to-day he would find the national sentiment stronger than at any period since the Revolution; nor will the pages of history show a

more splendid example of self-sacrifice in vindication of national integrity than the late civil war. It is the crowning glory of the century, and a free people, having an abiding faith in the strength and permanency of their political institutions, may look forward with supreme confidence as they march onward under the guidance of Him who was with our fathers in the path to imperial greatness.

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*NOTE.—(From the *Cincinnati* (Daily) *Enquirer*, October 17, 1891.)

FT. RECOVERY, O., Oct. 16.—The grand centennial celebration of the battle of St. Clair closed to-day, and the expectations of the Monumental Association have been realized fully. Great crowds of people have assembled each day to pay homage to the dead heroes.

This morning dawned with a clear sky, seemingly the act of Providence to prepare a perfect day for the crowning event of the exercises. Fully fifteen thousand people assembled to-day on the old battle ground of Ft. Recovery to witness the sad rites of placing the remains of the dead heroes in their third and last resting place. It will be remembered that the bones of the old soldiers were discovered in a pit, where they had been placed by their comrades after the battle. The first skull was found by the late Judge Roop, by mere accident, after a rain which had washed them out to view. This was in June, 1851, and they lay in that state until October of the same year, when they were interred in a private cemetery amid grand ceremonies. They rested in their earthly abodes until a few days ago, when they were again taken up to prepare for their final resting place. It was to-day this rite was performed. The exercises this forenoon were: Speaking at the grounds and military parade, Colonel Bundy, of Cincinnati, being the principal orator.

General J. P. C. Shanks, of Portland, Ind., delivered an interesting address relative to the defeat of Arthur St. Clair. At noon Judge Samuel F. Hunt, of Cincinnati, Senator Godfrey, of Celina, and Major Blackburn, of Cincinnati, arrived. The procession was then formed at the Christian Church, where the remains were lying in state. The Sidney Cornet Band headed the procession, playing a slow march, followed by the military company from Portland, Ind. The Sons of Veterans came next, followed by the G. A. R. Post of this city. Then came the catafalque on which the remains were placed, drawn by four horses. The Executive Board of the Monumental Association followed the catafalque and a procession of young ladies, representing the different States of the Union, brought

up the rear. The procession slowly marched from the church through the city to the park, where the grave had been prepared to receive the remains. Prayer was offered up by Rev. O. S. Green, after which General Shanks delivered the dedication address. Three salutes were fired by the military over the graves of the soldiers. The scene was an impressive one, and will be remembered by all who witnessed it. Amid the tolling of the church bells throughout the city the remains of the five hundred soldiers, together with those of General Butler, were consigned once more to the silent tomb, never to be again disturbed. The park is a most beautiful one, and was purchased by the city for the site of a monument, which will no doubt some day be erected. The monument will be placed directly in the center of the park over the graves of the dead soldiers. The remains of General Butler were discovered and interred in 1876, and a few years later his sword was found nearly on the same spot. His name and the crown of England were engraved upon it. The address of Judge Hunt this afternoon was listened to by ten thousand people. Thus closed an event of national importance. The fact that visitors were here from half the states in the Union showed what an interest has been taken in the event throughout the country.

CHARLES McMICKEN

The founder of the Smithsonian Institution, in his last will and testament, bequeathed all his property to the United States of America to found at Washington an institution for the increase and diffusion of knowledge among men. His life had been chiefly devoted to study and scientific investigation, and especially in the lines of geology, mineralogy, and chemistry. This love of science had inspired him with an ambition to perpetuate his own name. He devoted his entire estate to the enlargement of human knowledge, and dedicated, two thirds of a century ago, a munificent private fortune to the youthful Republic to be used for the benefit of mankind.

In this bequest he used these significant words: "The best blood of England flows in my veins; on my father's side I am a Northumberland, on my mother's I am related to kings; but this avails me not. My name shall live in the memory of man when the titles of the Northumberlands and the Percys are extinct and forgotten."

James Smithson was wiser than most men, in that he anticipated the judgment of posterity. Already two generations of men rise up and call his memory blessed, while the endowment for unmeasured years will continue to build up an estate of thinkers and

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Delivered before the Citizens and Municipal Authorities of Cincinnati, and the Board of Trustees, Faculty, Students, and Alumni of the University, at Pike's Opera House, June 8, 1892.

scholars, of inventors and discoverers, in that realm of thought which contributes to the intellectual and moral life of human society.

Charles McMicken, in the same spirit, shared his fortune with mankind, and has left a legacy which has brought the means of acquiring a liberal education to the very homes of the young men and young women of his adopted city. There is something grand in that generosity which embraces all the higher needs of humanity. His name, too, will go down to the generations as the benefactor of men, because, looking beyond self or the purpose of self, he laid the foundations of an institution of learning where, in the language of his will, "instruction should be taught in all the higher branches of knowledge, except denominational theology, the same as in any of the secular colleges or universities of the highest grade in the country." The giver of this endowment and the administrators of this trust have unostentatiously, silently, and almost without the knowledge of many built up an institution of learning which must always exercise a wide and lasting influence in all the life and future of our society. It has effectually created an atmosphere of art and literature and science in this community.

Charles McMicken was of Scotch ancestry. His grandfather brought two sons with him to this country as early as 1732, and settled on a tract of land of some seven or eight hundred acres in Bucks county, in the state of Pennsylvania. This land remained in the family for more than one hundred and fifty years.

Charles McMicken was born in Bucks county, Pennsylvania, on the twenty-third day of November, 1782. He was early trained to habits of industry, and while not a scholar in the accepted sense of that term, yet

he gave no little attention to the pursuit of knowledge, and made some progress in civil engineering. Indeed, he was engaged in teaching school for some months. Hardly before he attained the age of twenty-one he set out on horseback to seek his fortune with the tide of emigration then crossing the Allegheny Mountains. From the crest of the mountains there stretched to the west only a vast, illimitable extent of sunless forest, with scarcely a sound save that of the woodman's axe. He remained a short time at Chillicothe, then the capital of the state, and devoted his attention to surveying, and reached Cincinnati in the spring of 1803, with his horse and saddle and bridle and some means saved from his duties as surveyor.

His first employment on reaching Cincinnati was that of clerk for John Smith, who, with Thomas Worthington, was the senator from Ohio in the Federal Congress from 1803 to 1808. He remained with Smith in the general merchandise business for a short time, when he loaded two flatboats with flour for New Orleans. This was before Louisiana was acquired by the United States. The boats were tied up above New Orleans to save wharfage, while he went into the city to make sale and purchase necessary goods. On his return he found that his boats had sunk and only his horse was saved. His entire worldly possessions after the payment of his hands amounted to only three eleven-penny bits.

Neither poverty nor misfortune discouraged his spirit. There were then eleven stores in New Orleans. He applied to nine for a situation, and at the tenth secured a position until the nephew of one of the firm should arrive from Baltimore. He had but one suit of clothing. There was no stipulated price for his

services. The nephew came at the end of six months, when his employers gave him at the rate of eighty dollars per month for his services and a suit of clothes. They also secured him a new situation at an increased salary. His industry and attention to business was such that he left New Orleans with ample credit to engage in business for himself. He went up the Mississippi River to Bayou Sara. The town of New Valencia—now St. Francisville—was situated on the bluff, with rich cotton lands extending back from the river. Charles McMicken established himself there in the latter part of 1803, and engaged in shipping cotton and in the business of general merchandise until the year 1837.

It is somewhat singular that his first investment in cotton, like the first investment in flour, should prove a most disastrous undertaking. His first shipment was consigned to James Clay, a brother of Henry Clay, of Kentucky, who was at that time a cotton factor in New Orleans. A few days after Clay failed and he lost all. After that he became his own commission merchant, and so remained until 1837, when he returned to New Orleans. From the time he left Bayou Sara, in 1837, he was not engaged in any active pursuits beyond the investment and the care of his property.

His first purchase of real estate in Cincinnati was in 1835, at the northeast corner of Third and Main streets. He added to his estate from time to time by purchases in this city until it was estimated at more than one-half million of dollars. He purchased largely of lands in what is known as the Louisiana Purchase, and before that territory was acquired by the United States. He came here in 1835 and boarded for a time.

After that he uniformly left New Orleans in the month of March of each year and came to Cincinnati, where he remained until June. After spending the months of July and August at the eastern summer resorts he would return to Cincinnati, and then go to New Orleans in November for the winter months.

The old McMicken homestead was built by John F. Keyes in 1819. This was purchased in the year 1840 by Charles McMicken from the administrator of Luman Watson. His nephew, Andrew McMicken, resided there for many years, and he made this his home during the latter part of his life. This property was specially bequeathed to the city of Cincinnati in trust for educational purposes, and was designated as the site for the academic buildings.

Charles McMicken was a man of strong mind and remarkable memory. He was temperate in his habits and methodical in his business affairs. It is said that at the advanced age of seventy years he was accustomed to divert himself with cards which told distances in the planetary system, and that he would indicate results with mathematical precision.

He was for a number of years a member of the Methodist Episcopal Church, and was uniform in his attendance on the ministry of the Word and the ordinances of religion. He was broad and catholic in his views, and, while decided in his own convictions, did not seek controversy with any one. He never married, but was surrounded by a large circle of relatives, to whom he was most considerate, and aided some in obtaining a liberal education. He was self-reliant, possessed of excellent business qualifications, and in his multiplied deeds of charity there was no ostentation. He was reserved in manner and expression, and it is

questionable whether any one ever knew anything about the details of his affairs or the cherished purpose of his life. He unfolded it just before his death for the first time to his intimate friend, the late Freeman G. Cary, formerly president of Farmers' College, with the remark that he had labored since early manhood for its fulfillment. He had a commanding presence, and to those who met him he seemed rather a figure of the olden time, standing not less than six feet in height, and weighing not less than two hundred and fifty-four pounds.

Charles McMicken's death was caused by pneumonia, which he contracted on the boat on the way from New Orleans to Cincinnati. It soon assumed a malignant form and threatened a fatal result. His mind was unclouded to the last, and he fully realized that his work on earth was finished. He made no mention of his worldly affairs during his entire illness, and finally went down to the grave on the thirtieth day of March, 1858, in the seventy-sixth year of his age, and with the sublime confidence which comes of the faithful discharge of duty.

Nor were his sympathies a question of geography. In the year 1848 the American Colonization Society made an appeal in behalf of what was known as Free Labor Tropical Cultivation, which had for its object the purchase of a large extent of land on the coast of Africa. In April of the same year it was suggested in the press of this city that much good could be accomplished by a liberal provision being made for the settlement of a colony. It was urged by the friends of the measure, who had in view the best interests of the colored people, that their emigration to the Republic of Liberia would be a step in the direction of

relieving the oppressed and limiting the evils of human servitude. It was thought by philanthropists that much good would come from devoting the greatest possible extent of the soil of Africa to free labor.

Charles McMicken, on a plan proposed by himself, offered sufficient funds to pay for the necessary amount of land for such a colony. President Roberts of Liberia, on visiting the United States shortly after the plan of McMicken had been announced, gave it his decided approval. Ten thousand dollars was promptly remitted by Charles McMicken, in connection with Samuel Gurney of England, with which eight millions of acres were purchased for the purpose of a colony, known as Ohio in Africa. This purchase was expressly devoted to the use and benefit of the colored people of Ohio, Indiana, and Illinois, and on the consummation of which, says the sketch from which many of these facts are taken, there commenced a new era in African colonization.

This generous gift of Charles McMicken to the cause of humanity must be read and measured in the light of the conditions then existing. The freedman had not then become the free man; the serf had not become the citizen. This was long before the resurrection of liberty to the bondman, which was the resurrection of honor to America. This was long before Lincoln appealed to the considerate judgment of his countrymen and the gracious favor of the Almighty, and thus made his grave a new Mount Vernon in the prairies of the west. McMicken's charity, too, had no horizon. There was room enough in the air for every wing that would fly; there was expanse enough on the ocean for every sail that would float. He soon afterwards gave to Farmers' College a be-

quest of ten thousand dollars to establish a chair in a young but growing institution.

Lord Bacon, in his admirable letter of advice to Sir George Villiers, afterwards Duke of Buckingham, when he became favorite to King James, as to how to govern himself in the station of Prime Minister, said to his patron and friend, "Colleges and schools of learning are to be cherished and encouraged, there to breed up a new stock to furnish the church and commonwealth when the old stock is transplanted."

Charles McMicken in this spirit gave to the city of Cincinnati a munificent endowment for the purposes of higher education. The quiet, systematic habits, and the persistent, managing industry of this man of business enabled him to perform a great stewardship. He knew but little of art and had made no discovery in science, and yet he gave great acquisitions of wealth to the advancement of knowledge and the cultivation of liberal pursuits. He thought so little of himself and so much of others that he consecrated a long life of saving by the sublime act of giving. He had the courage which prompts a man to do his duty fearlessly and to hold fast to his integrity. He sought to benefit the human race and believed that the confidence of men can alone be won by sympathy and love. He insisted that there was no moral grandeur without character for its foundation. He discriminated against "denominational theology" as a part of the course of instruction in the institution he founded, but he none the less emphasized the religion of good deeds, of honesty of purpose, of sympathy for the unfortunate child of want, and declared, as the cherished purpose of his life, to found an institution of learning where duty to fellow-man should be taught as well as a knowledge of

duty to the Creator. Charles McMicken was for Cincinnati what the Medici were for Florence; they ennobled trade by making it the ally of philosophy, of eloquence, and of taste, and wealth was made to give a splendid patronage to learning.

The last will and testament of Charles McMicken was executed on the twenty-second day of September, 1855, and duly proven and admitted to record in the probate court for Hamilton county, Ohio, on the tenth day of April, 1858. It contains thirty-nine sections, and after making provisions for the payment of several legacies and annuities to those united by blood, bequeaths to the city of Cincinnati and to its successors all the residue of his real and personal property for the purpose of building, establishing, and maintaining two colleges, one for each of the sexes, embracing in extent a course of university education. The thirty-first section of the will contains the devise to the city of Cincinnati, in trust, for building, establishing, and maintaining two colleges, with directions as to sales, leases, investments, and as to certain charges on the devise. It is the spirit of the bequest, and was written by Charles McMicken himself. It is as follows: "Having long cherished the desire to found an institution where white boys and girls might be taught not only a knowledge of their duty to their Creator and their fellow men, but also receive the benefit of a sound, thorough, and practical English education, and such as might fit them for the active duties of life, as well as instruction in all the higher branches of knowledge, except denominational theology, to the extent that the same are now or hereafter may be taught in any of the secular colleges or universities of the highest grade in the country, I feel grateful to God

that through his kind providence I have been sufficiently favored to gratify the wish of my heart."

The thirty-sixth section of the will makes provision, should the funds justify, after the complete organization and establishment of the institutions of learning, for the maintenance, clothing, and education of orphaned children. He further prescribed that they should receive a sound English education, and expressed the desire that moral instruction should form a prominent part of their education. So far as human means should allow, they should be made not useful citizens only, but good citizens, deeply impressed with a knowledge of their duties to their God and their fellow men, and with a love of their country, too, and its united republican institutions, in the blessed and peaceful enjoyment of which it was his fervent prayer that they and their descendants might continue to live.

That portion of the gift of Charles McMicken to the city of Cincinnati which included lands of the probable value of fifty thousand dollars in the state of Louisiana was lost entirely in 1860, by a decision of the Supreme Court of that state, at the instance of one or more of the heirs at law, while many years elapsed before the estate could be settled and the title of the city to the property completely established. This, indeed, was not accomplished without protracted litigation, and was ended only by a judgment of the Supreme Court of the United States.

The decision of the Supreme Court of Louisiana is reported in Vol. 15 Louisiana Annual Reports, page 154, and annuls the devise so far as the lands in Louisiana are concerned, on the ground that a disposition in a testament, having for its object the foundation and maintenance of colleges under the administration

of a municipal corporation as trustee forever, is a prohibited *fidei commissum* and substitution. Judah P. Benjamin, afterwards a member of the cabinet of the confederate states, was the counsel for the city of Cincinnati in that litigation.

The decision of the Supreme Court of the United States is reported in 24 Howard, page 465. It was claimed in argument that the devise and bequest to the city should be held void on the ground that the trustee, the city of Cincinnati, is incapable of taking and executing the trust, and that the *cestuis que trust* are dependent on the selection and designation of the trustee; consequently there is not, nor can there ever be, either trustee or *cestui que trust.*

It was further claimed that the will withdraws the college from the power of the legislature, in violation of the constitution of Ohio, and makes it immortal, and creates a perpetuity in the lands with which they are endowed, making them inalienable forever, which is against the letter and policy of the law. Judge Headington and Thomas Ewing represented the appellants, the heirs at law, while Mr. Taft, Mr. Pugh, and Mr. Perry appeared for the city of Cincinnati.

The court declared that the will should stand, and established as a proposition of law that the doctrines founded upon the statute of 43 Elizabeth, c. 4, in relation to charitable trusts to corporations, either municipal or private, have been adopted by the courts of equity in Ohio, but not by express legislation; nor was that necessary to give courts of equity in Ohio that jurisdiction. It further established the proposition that the English statutes of mortmain were never in force in the English colonies; and if they were ever considered to be so in the state of Ohio, it must have

been from that resolution by the governor and the judges in her territorial condition; and if so, they were repealed by the act of 1806. The court, in short, held, in express terms, that the city of Cincinnati as a corporation is capable of taking in trust devises and bequests for charitable uses, and can take and administer the devises and bequests in the will of Charles McMicken. The court further held that the direction in the thirty-second section of the will, that the real estate devised should not be alienated, makes no perpetuity in the sense forbidden by the law, but only a perpetuity allowed by law and equity in the case of charitable trusts.

The provisions of the will prohibited the sale of any property situated within the city of Cincinnati, or the lease of any property for a term of ten years. The will directs that the college buildings shall be plain but neat and substantial in their character, and so constructed that, in conformity with their architectural design, they may from time to time be enlarged as the rents of the estate devised may allow and the ends of the institution may require.

The history of collegiate education from the early colonial period to the present will show that the tendency has been to educate the individual as a sovereign citizen and prepare him for the duties of the state. The colonists held learning as a trust alike sacred to the best interests of the church and society in a formative state. Theology was taught in nearly every college. This was the dominant spirit in early colonial education. The colonists brought with them the habits and thoughts and tendencies of a trans-Atlantic civilization. It is not strange, as has been said, that the "grammar schools" of New England were modeled

after the grammar schools and middle schools of Old England, while the New England academies bore the impress of the "great public schools" of Rugby and Eton and Westminster and Harrow, nor that the first colonial colleges, such as Harvard and William-and-Mary and Yale and Columbia and Dartmouth were practically patterned after the old classical colleges, whose forms and curricula may be traced back to mediæval influences. With the progress of the people came more enlarged views as to the necessity of an educated citizenship. Since church and state, once so closely allied in education, have become more divorced, the later educational policy is to develop the moral, social, and intellectual improvement of the people. The fabric of free government can only be made secure by an ever-increasing morality and intelligence.

It is interesting in connection with the will of Charles McMicken to read the will of George Washington, and reflect upon his plan for higher education declared one hundred years ago. In Washington's correspondence with Adams and Hamilton and Jefferson he insisted upon the education of youth at home rather than abroad, and believed in the promotion of political intelligence as a national safeguard. In his last will occurs the following significant passage: "Looking anxiously forward to the accomplishment of so desirable an object as this is, my mind has not been able to contemplate any plan more likely to effect the measure than the establishment of a university in the central part of the United States, to which the youths of fortune and talent from all parts thereof may be sent for the completion of their education in all the branches of polite literature, in arts and sciences, in acquiring

knowledge of the principles of politics and good government." No page in the history of that great man glows with a more resplendent patriotism than when he declined to accept from the legislature of Virginia, as a mark of esteem and acknowledgment for his services to the state and federal government, one hundred shares of James-River Improvement stock and fifty shares of Potomac stock. The one was devoted, at his suggestion, to the prospective university in the Federal City, the other was given to Liberty Hall Academy, now Washington and Lee University.

It is one of the declared objects of this benefaction that instruction should be given in the higher branches of knowledge, to the extent that the same may be taught in any of the secular colleges or universities of the highest grade in this country. It was the purpose of the donor that the best opportunities should be brought directly home to the young men and young women of his adopted city. The younger Pliny believed it to be the work of patriotism, for it was in this spirit that he wrote to his friend, that nothing could be more acceptable to the country than to have the young men receive their education where they receive their birth, and to be accustomed from their infancy to inhabit and affect their native soil.

It is no less the avowed object of this benefaction that the duty of educating the people rests on great public grounds, and on moral and political foundations. It is essential that public opinion be enlightened and stimulated to public duty, for the inactivity of the good becomes the opportunity of the bad. Charles McMicken insisted upon an education that would fit young men and young women for the active duties of life. He recognized that a sound morality might

exist in the work of education without "denominational theology." He urged that moral instruction should form a prominent part of education, and that the best result of higher education meant not only useful citizens but good citizens, and that all should look upward to that Providence which had so favored him that he could gratify the wish of his heart. There never was taught a better morality, nor a better theology, nor a more sublime patriotism than that declared by the founder of the University of Cincinnati in words which come to us to-night like a benediction: "It is my desire * * * that they may be deeply impressed with a knowledge of their duties to their God and to their fellow men, and with a love for their country and its united republican institutions, in the blessed and peaceful enjoyment of which it is my fervent prayer they and their descendants may continue to live."

The Ordinance of 1787 declares that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." In like spirit the constitution of Ohio of 1802 insisted that "religion, morality, and knowledge being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provisions not inconsistent with the right of conscience." The constitution of Ohio of 1851 embodied the same provision in the organic law: "Religion, morality, and knowledge being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peace-

able enjoyment of its own mode of public worship, and to encourage schools and the means of education."

These were the principles upon which five great republics of the northwest have erected their laws and constitutions, and these were the influences which have educated the people of this imperial territory to the true idea of free and representative government. There is to-day no higher duty for the University of Cincinnati, nor indeed for any other university in the land, than to teach that morality is the basis of all good citizenship, and that the best instruction consists in best fitting all who may be taught to conduct and develop the noble work of a self-governing republic.

The University of Cincinnati had its origin in the munificence of Charles McMicken. He secured to our city the benefits of a free collegiate education, thus crowning the work of instruction begun in the primary schools and continued through the high schools, which, too, are in no small part the gift of those public-spirited men whose names should always be spoken with reverence—Woodward and Hughes.

The act for the organization of the university was passed by the general assembly of Ohio in the year 1870. This legislation was designed and confidently expected by those instrumental in its enactment to be the means of uniting, under the auspices of the city, the trust of Charles McMicken with various other funds for educational and scientific purposes in the hands of trustees or corporations. No separate fund had accomplished any thing of itself, or was capable of accomplishing any important result through independent action. It was indeed only through such united effort that an institution could be established

and maintained on the broad foundations contemplated in the bequest.

Difficulties have been encountered and prejudices overcome until there has been fulfilled the very purpose of the benefactor in that the best opportunities have been brought home to the young men and young women of Cincinnati for an education in all the higher branches, the same as taught in the best secular colleges or universities in this country. There is a corps of competent instructors, a well-established curriculum, and the necessary apparatus and appliances to enforce instruction and for demonstrating the subjects to be taught.

There is an opportunity for solid learning and genuine culture worthy the most laudable ambition. The student of classical literature may go from the pages of Livy and the Odes of Horace to the severer selections from Juvenal and Propertius, or from the Philippics of Demosthenes to the Electra of Sophocles or the Frogs of Aristophanes. The student in chemistry has open before him an inexhaustible field for investigation and speculation, and by the aid of the most approved instruments and the most modern analysis may elaborate the processes of nature. The student in mathematics may reason of angles and triangles, of ellipses and parabolas, and may make the earth do the work of describing and measuring her own motion. The student of geology may unfold the history of creation as it lies written in the hidden pages of piled-up strata, and, gathering up the fossil fragments of a forgotten time, may reproduce the ancient forms which inhabited the land, bone to bone and part to part, till Leviathan and Behemoth stand before us again, as Cuvier built up the mastodon from a few

relics, and Michael Angelo, with the Torso of the Vatican, perfected anew the masterpiece of Grecian genius. The observatory, with its complete equipment, invites all to come who would attempt to study the immense mystery of the stars, and learn for themselves that the firmament does indeed show His handiwork. The student in the department of science may lift the vast reflector or refractor to the skies, and, sweeping the heavens, may detect undiscovered planets in their hiding-places or drag out bashful satellites from their habitual concealment. The library, while not large, is rapidly increasing in the number of its volumes. In addition to its use the students of the university have free access to the public library of Cincinnati, which is well supplied with books in every department of human learning and research, and supplied with the best periodicals and magazines of all Europe and America.

The progress of co-operative union of the university with other educational institutions of the city, under the title of the University of the City of Cincinnati, has been measurably successful. There is now a university population of nearly eight hundred, directed by an efficient corps of professors and instructors. The beneficial results of this union have been seen in the increased number of students in the clinical and Pathological School of the Hospital, whereby the funds have been increased and a new impulse given to the growth of the library and museum. The trustees have already established a pathological department for histological examination, and have thus opened up a new and hopeful way for original investigation in morbid anatomy and bacteriological research. The alliance of the various educational trusts of the city should be

encouraged and fostered to the end that the university may attain a more commanding position, not only by reason of a broader and more thorough culture, but by reason of the increased number of matriculates in all the departments of instruction.

The School of Design was the first department established in the university. It was organized in accordance with that provision of the will in which it is enjoined that such instruction shall be given as will fit the student for the active duties of life as well as the higher branches of knowledge. It was not intended for the mere sake of an accomplishment, nor indeed in the interest of the fine arts. The object was to have in view the principles as well as the art of drawing, and thus laying the foundation for its subsequent application in any and all operative persons, whether as machinists, engineers, architects, or artists. There was at the same time sought the cultivation of taste and design, and the development of the inventive faculty of applying new forms to material for the benefit of all the manifold works of industry. It was the purpose that the student of decorative art, intent upon pursuing the art of drawing or design, painting or sculpture, carving or decoration, in the higher walks, should find the amplest room for development, so that there would follow such a culture as would not only beautify our homes, but would make the manufactures of our city rival in design the tapestry of Gobelin or the porcelain of Sevres.

The formal transfer of the School of Design of the university to the Cincinnati Museum Association was made February 1, 1884. It is only proper to say that the School of Design realized all just expectations while under the control of the university. Under its

fostering care it became worthy of the city, and from a small beginning developed into an institution with a corps of experienced instructors and nearly three hundred students, and with all the necessary conditions for a high culture in art. It became, indeed, the parent of other schools of design and drawing, and a large number of its pupils are now pursuing the education received as an industrial pursuit. It was the object to make it a school of utility as well as beauty.

The university was animated in this transfer by no other purpose than the public good. It realized that the trust for the benefit of higher education did not necessarily comprehend a school of design, and that selfish ambition should not stand in the way of a concentration of all funds devoted to purposes of art. There was no other motive than that art education should be promoted, and that a generous private spirit should be met by a like public spirit in affording the best advantages which can come from munificent private donations in the further development of an art school. The name of Judge Nicholas Longworth, like that of his honored father, Joseph Longworth, will be remembered as a public benefactor in connection with the Art School. As long, too, as the Art Museum shall crown our hills in graceful outlines—an ornament to our city and an inspiration to every citizen—the name of McMicken should be spoken with that of Charles West and David Sinton, since his benefaction organized the School of Design which made possible the Art School of the Cincinnati Museum Association.

The common council of Cincinnati, in the same generous spirit which prompted the gift of Charles McMicken for the cause of higher education, on September 20, 1889, without a dissenting vote, adopted an

ordinance authorizing the occupancy of a part of Burnet-Woods Park by the University of Cincinnati. This ordinance gave to the university the use of nearly forty-four acres for the purpose of a central university building and such other structures as might incidentally be connected with the university proper. It is conditioned that the University should have the right to use the remainder of the tract for university purposes, and to build roads, lay out grounds, plant trees, and otherwise beautify and improve the grounds, subject to the approval of the board of administration. It is expressly understood that the remainder of the tract not occupied by buildings is to remain open to the public as a part of Burnet-Woods Park.

It was further conditioned that the board of directors would commence the construction of the main building for university purposes within three years from the date of the execution of the agreement, otherwise the agreement to be void without proceedings in forfeiture therefor. There was also a further stipulation, that the board of directors would expend one hundred thousand dollars in the construction of the buildings and other improvements for the use of the university, and forever after maintain and control buildings so constructed, together with the grounds, for university purposes.

In case of the failure of the university to make substantial compliance with the conditions and stipulations in the agreement, or in case the university should fail to maintain and keep up a university for educational purposes, the same should, at the option of the city, become void, and the city might retain and retake exclusive control of the premises.

This ordinance is vital to the future of the Uni-

versity of Cincinnati. The city authorities, in the spirit of a splendid patriotism, have supplemented the donation of the founder of the University of Cincinnati by affording all the facilities at their command in aid of liberal education. There is now offered every opportunity to wealth—like the riches of the Medici, so prodigal in art—to endow an institution of learning which shall be open to every home in Cincinnati. There is an undoubted public sentiment that Burnet-Woods Park is the proper location for the main edifice of the University of Cincinnati.

The circuit court for the first judicial circuit of Ohio has already decided that the desire and intention of Charles McMicken was to found a college of the highest character, but not to restrict the location of the building perpetually to one spot; and that if the site selected by the testator was at that time a proper one, the trustees under the will would be authorized to erect buildings and conduct the institution on other suitable grounds. This case is now pending in the Supreme Court.

This is perhaps not the time to indulge in the language of prophecy, but the time will surely come when there will rise from the very summit of our park, and in the midst of a landscape of surpassing loveliness, an institution of learning open to every home in Cincinnati, and to which every citizen of the whole commonwealth can point with an affectionate pride, as it sends out educated men and women for the responsible duties of life.

The fact that collegiate education is free does not destroy its value. It was the opinion of the fathers and the later settlers of the west and south that a "common" or "free" school did not necessarily mean

a school of low grade, but one that was open to all on equal terms. It would be well to return to the primitive signification, and consider all schools, colleges and universities, high schools, secondary and primary, whether state or non-state, as schools of the people, and intended for a higher culture and a more elevated standard; because, after all, a higher culture and a more elevated standard make for patriotism and nationality.

The past justifies the hope that the purpose of the founder of the university will be fully realized. It is a matter of congratulation that it is already recognized as an institution of higher learning, and that it offers to the sons and daughters of a growing city an opportunity for an education which may be called an advanced education. What the university has accomplished for this community is not to be measured alone by the number and character of its students, but by the influence of other students as well, who have pursued courses in the classes not leading to an academic degree.

It is claimed, without assumption, that the graduates of our university will compare favorably in scholastic attainments with the alumni of any other institution in the country. The reputation of the institution is largely in the keeping of its alumni, because much must depend on those who annually go forth from college walls to enter upon the duties of life. The education that means something is not necessarily the education of mere classics or mere mathematics or mere science, but the education that enables the student to stand on his feet and to walk wisely, the education which comes of more intelligent conceptions of thought and more matured and independent judgments.

The city of Cincinnati has a just pride in the munificence of its citizens in the direction of music and art and industrial training. This munificence has found expression in the College of Music, the Art Museum, and its schools of technology. The claims of the university should appeal not less strongly to the confidence and support of our citizens, and this confidence should take substantial form in the way of liberal endowments for enlarged opportunities and improved means of instruction. It can truthfully be said that no city in the country to-day affords such splendid facilities to young men and young women to acquire a liberal education without cost. Its relations to the common and high-schools, as well as to private schools of the city and vicinity, have been cultivated and assured, so that a cordial and hearty sympathy and confidence exist between the university and the preparatory schools on which it must depend.

The university has a right to the best zeal and warmest affection of every citizen who believes in better things for the city and for the commonwealth and for the country. The common council has never hesitated, in the whole history of the university, to extend a helping hand. The ordinance to grant the use of the great park for the purpose of the institution was adopted with a spirit which seemed to welcome the opportunity. The generous donations already made have laid the foundations broad and deep upon which is founded a great university. It is a work in which all good citizens must feel an abiding interest; and even if a generous response to its needs shall be deferred, and men shall hesitate to share their fortunes with mankind, the time is not far distant when a great institution of learning —after the continental idea—

with several distinct faculties, and the professional studies of law and medicine, as well as advanced courses of scientific and classical research, here in our midst, shall attest that Cincinnati has indeed encouraged and stimulated the course of higher learning.

Castelar declares that when one man dies for the many, instead of living for himself, he secures for his name the most glorious of transformations—martyrdom, - and to his immortality the noblest of temples—the heart of the people. When one man lives for others, instead of living for himself, he, too, secures for his name a title of immortality and a fame more lasting than the Roman laurel. There is a way to send a name down to the generations--not alone for the silent influences of good which are constantly working, but to identify it with those of Harvard and Yale and Cornell and Johns Hopkins and McMicken, whose generosity embraced the higher needs of humanity. With that of McMicken, too, must be mentioned the names of Kilgour and Dexter and Brown and Thoms, who have supplemented the original bequest by generous donations for higher education.

The Cincinnati Astronomical Society, with its instruments and books; Lilienthal, with his valuable collection of minerals; Fechheimer, with his geological and mineralogical collection; Weatherby, with his contribution to the geological department; and Bliss, with his library of varied literature,—are mentioned with respect in these exercises to-night, because they have given to the university enduring evidence of their regard and affection, and because they believed that large acquisitions in science and literature and art are

valuable in proportion as they contribute to the elevation and advancement of all.

Charles McMicken sleeps in Spring Grove Cemetery, under a modest shaft which bears only his name. His labors are ended, but his work has just commenced. There is a tide of thought and influence which will continue to flow towards its far-off ocean. Like the fabled fountain of Arethusa, it will appear in streams of perennial beauty. He fills a niche in the temple of a changeless and heroic immortality.

It is said of him that often when looking over the young and growing city from the homestead, then beautified by foliage and flowers and since consecrated to higher learning, he prophesied for Cincinnati the future which has since been fulfilled, and expressed the wish that his name might be identified with collegiate education in his adopted city. No doubt he then realized the lasting truth that the individual is only small while humanity is great, and that the title to immortality is to associate one's name with some overwhelming truth or some undying cause.

Charles McMicken was fortunate above men in that he went down to the grave not alone with the joyous confidence that his efforts had helped the progress of humanity, but that his memory would live in the gratitude of the young and aspiring, whom he aided and directed to a better life. The sunset of his declining days was illumined with the glow which comes from the recollection of generous toils for fellow men. His name will stand, as year shall follow year and generation shall succeed generation, as the friend of young men and young women, as the benefactor of his race, and as the founder of the University of Cincinnati.

ANNUAL ADDRESS

Gentlemen of the State Bar Association:

It is a source of special gratification to welcome the brethren of the profession after the lapse of another year to these waters, made historic by the victory of American arms, and to these islands whose luxuriant foliage and refreshing breezes invite from the strife of protracted and vexatious litigation, to friendly, personal intercourse, and the exchange of fraternal greetings.

The classics called poetry and music and art the humanities, because they brought no war, and no sorrow, but advanced in the name of pleasure and peace. We set out at this annual gathering in the name of the amenities, because we meet as members of a common profession whose supreme purpose is to advance enlightened jurisprudence, and at the same time to develop the true spirit of fraternity by the closer union of those who believe in strengthening the foundations of justice and in the best method of its administration. Fortunately, the very calling of the law avoids the intolerant spirit. Neither sect nor party dare intrude in this presence. We forget the disturbing elements of contending schools and the zeal of a fervid partisanship in the spirit of a generous magnanimity, because the real lawyer never forgets that the golden rule underlies all public and private justice. There is noth-

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Delivered as President of the Ohio State Bar Association, at the Annual Meeting, held at Put-in-Bay, Ohio, July 15, 1892.

ing more universal than human ignorance; there should be nothing more universal than human charity.

Nor does he forget the spirit of humility, but with Sir Isaac Newton, who discovered the system of gravitation, laments that only a few shells have been picked up on the great sea-shore. Egotism becomes intolerance when it proceeds upon the assumption that the ideal has been reached, for when the whole horizon of history is measured, there will be noticed a wonderful death of the small, and a wonderful resurrection of the great.

It is the history of the profession that it discards selfish motives and petty things, and only looks to those overwhelming truths of virtue and character on which the fabric of society must rest. It realizes, too, that there are laws of human action so lofty that they bring their own reward.

In this spirit, then, we assemble for the thirteenth annual meeting of the Ohio State Bar Association, and it is to be hoped that when distance shall separate and years intervene, there will be found in the recollection of these things something of the same feeling which inspired Horace in his Lyrics, when he so touchingly refers to the genial fellowship of other days.

It was certainly the purpose of those who conceived this association, to form an organization of the profession throughout the state which should thoroughly and efficiently embody and develop its corporate life and spirit. It has become the center of a growing professional interest, and has already proven to be a useful and efficient agency of improvement and reform in the direction of facilitating the administration of justice and in cultivating cordial intercourse among the members of the bar.

This alliance among the profession from all parts of the state must give force and unity to any recommendation looking to a reform in the proceedings before the courts. We are, indeed, alone commissioned by the commonwealth to appear in the tribunals established by law and vindicate the rights of liberty and property, and to that end are servants of the very highest order for the promotion of the public welfare.

There is much to admire in this respect in the English bar. One who honored the calling in this country and enriched its literature has said, "The bar of England, that most illustrious body of well trained men, who have wrought so usefully and conspicuously in the gradual construction of the best civilization of the age, whose traditions we follow, whose language we speak, whose system of jurisprudence we administer, whose precedents are our authorities, is to-day the survivor of the mediæval guilds that retain, untouched by the chances and changes of time, its ancient and original privileges, chiefly the right of admitting and excluding from its own membership. No one can be admitted to practice law in England except by the bar of England. Its homes and schools are still, as for hundreds of years they have been, in the beautiful Temple by the Thames, the ancient seat of Christian Knights, whose spirit of chivalry and charity and justice to the poor and weak still inspires the locality and survives the tournaments and jousts and peaceful strifes and contests of high minded lawyers, honorably maintaining the opposing sides, but nevertheless fighting in the same great cause of civil justice under a common banner."

The spirit of association must stimulate and ani-

mate, so that it is but the history of centuries that every great principle of civil justice has taken the form of legislative action, through the efforts of a united and intelligent body of the earnest students and thinkers in the law, and has been buttressed in human society by the decrees and judgments of a just and fearless bench.

Since our separation last year, Rufus P. Ranney, the first president of the State Bar Association, has passed from life to death. He left us December 6, 1891, at his home on Euclid avenue, in the city of Cleveland, in the seventy-eighth year of his age.

He was a member of the convention which framed the present constitution of Ohio, and served on the committee on the judiciary, and the committee on revision, to which the phraseology and arrangement of that great instrument was committed. It can safely be said that no member of that body was more instrumental in securing those provisions in the organic law which time has sanctioned as the surest safe-guard against corporate power, and the best means of securing wise and impartial legislation.

He believed in the law as right, and in its proper administration as the only method of enforcing right. This principle characterized his whole career, and united with his comprehension of legal subjects, gave him largely the mastery of the common law as well as the legal and constitutional history of his country. His mind was analytical and his reason logical, so that, with the command of a diction singularly pure, his decisions are models of clearness and distinguished by broad and comprehensive principles. He was twice a member of the Supreme Court of the state, and it is fortunate that one who was so instrumental in fram-

ing the fundamental law of the commonwealth, was in a position to give interpretation to many of its provisions. He venerated the common law of England and yet did not hesitate to reject any of its principles, without an abiding conviction of their justice and adaptation with the genius and spirit of our own institutions. Judge Ramsey might be described as Lord Campbell pictures one of the chief justices of England, as cultivating law as a science—having distinct objects to which it might or might not be adapted, admitting and requiring alterations and amendments, according to the varying circumstances of society.

He believed in the maintenance of a just and equitable system of jurisprudence, and had an abiding conviction that the energetic efforts of a learned bar, as he pleaded for a liberal legal education, aided by a large body of educated men, instructed in and devoted to its principles, and necessarily carrying the sympathy of the whole community, would make it approach nearer to that absolute and eternal justice, with no one so high as to be above its power, and no one so humble as to be beneath its protecting care.

There are many here who will remember how he performed the duty now undertaken by myself, at the first meeting of the State Bar Association, with characteristic duty and fidelity, and will not forget the sound of that voice as it appealed to the profession to keep the sacred trust for making human justice, in its manifold applications to human wants and interests more closely conform to its original and Divine pattern.

It is made the duty of the president of the association, by express provision of the constitution, to deliver an address at the opening of the meeting next after his election. The framers of the constitution,

with perhaps prophetic realization of this occasion, have made the president ineligible for re-election. Those who have gathered here to-day will doubtless be impressed with the wisdom of the provision. The marked professional distinction, however, awarded by my brethren of the Ohio bar, is greatly appreciated, because it bears on it the specific stamp and value of their confidence and good will. The duty still is involved in some embarrassment, since no guidance is furnished as to the selection of topics, except what might be inferred from the scope and character of the occasion itself.

To promote reform in the law, to facilitate the administration of justice, and to uphold integrity, honor and courtesy, in the legal profession, are among the declared objects of the association.

It was thought not inappropriate, therefore, instead of a formal address on some special topic, kindred to the law, to speak informally of such matters as may affect the profession and which have transpired since the last annual meeting. This presentation, with the purposes of the organization always in view, will consist principally of a reference to the new Federal Court of Appeals and a review of the legislation of the state as the same may relate to our supreme court and other inferior courts, the creation of new statutory offenses, the jury system, the amendments of the law of corporations, elections, and protection of labor, and the more important modifications or changes touching judicial procedure.

This review has been confined within reasonable limits by a system of classification, and it is not intended that there should be more than a reference to

the enactments, with now and then a suggestion called forth by the principle involved in the legislation.

The Federal Circuit Court of Appeals was established by an act of Congress of March 3, 1891; but the selection of the judges and the organization proper of the court occurred after mid-summer. The act provided for an additional judge in each circuit, and then made the new court to consist of three members, the justice of the supreme court assigned to the circuit and the two circuit judges. The court is made a court of appellate jurisdiction, to hear writs of error and appeals from judgments and decrees of existing circuit and district courts of the circuit. A judge who decided the question or case which is the subject of review is disqualified to sit in the court of appeals. His place is supplied by the court designating a district judge of the circuit to sit and make a part of the court. All cases heard in the circuit and district courts may now be carried up for review by a higher court. In cases involving a constitutional question, a question of jurisdiction, or conviction of infamous crime, writs of error or appeals, lie directly to the supreme court. A decision by the court of appeals is final in patent cases, admiralty cases, cases in which jurisdiction is obtained solely by reason of the diverse citizenship of the parties, in revenue cases, and cases arising under criminal law, unless the judge of the court of appeals shall certify a question arising therein to the supreme court, or unless the supreme court shall, on motion, issue its writ of *certiorari* to bring up the case. This last power the supreme court has said, it will only exercise to compel uniformity of decision between the court of appeals in the different circuits and in cases of national importance. In all other cases than those mentioned,

cases decided by the court of appeals, may be reviewed by the supreme court, if the amount involved exceed one thousand dollars.

The result of this act is that nine-tenths of all the judgments of the court of appeals will be final. The change effected by the law is two fold: it makes a new court of last resort for the great majority of the cases tried in the federal court, and it makes every case triable in those courts appealable. The decision of the judge in a court of first instance is now final. Thus is removed one objection often made to the unrestrained power of federal judges in cases involving less than five thousand dollars.

When the bar has become familiar with the features of the new law it is certain that the business of the court will rapidly increase. The aggregate business of the new circuit court of appeals will largely exceed the business of the supreme court before the passage of the new act. The act of March 3, 1891, was by joint resolution made applicable to writs of error and appeals taken after July 1, 1891. The relief intended for the supreme court will not therefore be fully felt until all cases filed in that court before July 1, 1891, shall have been disposed of, and this will probably not be until July, 1893, or 1894.

A bill is now pending which will probably become a law, giving to both parties, if they agree, the right to transfer any case now pending to the supreme court of a class cognizable under the new act by the court of appeals to the latter court. It is doubtful, however, whether this will materially reduce the docket of the supreme court.

The new court of appeals is now on trial. It is too soon to express an intelligent opinion of the advantages

or disadvantages of the system. One change has been suggested which might add to the national character of the new court. If the circuit judges could be assigned by the chief justice, when required to sit in the court of appeals of other circuits than their own, the benefit from the added judicial force of nine new judges could be equalized throughout the country. In some circuits the appellate business is comparatively small, while in others it promises soon to crowd the docket and delay the disposition of the business. In this way, the necessity for calling a district judge to sit in the court of appeals would be obviated. The circuit judges could give their entire time to appellate work, and the circuit and district work would be wholly attended to by district judges. The suggestion has met the approval of Senator Hoar, chairman of the judiciary committee, and in another congress may ripen into legislation.

The circuit in which our profession is most interested, is composed of the states of Ohio, Kentucky, Tennessee and Michigan. The president, in selecting judges for this court, did not limit his choice to members of his own political party. This practice has not been unusual for appointments on the bench in many of the states, but it is an innovation in the history of the national judiciary, and certainly a precedent which it would be well to follow.

There has been much discussion in the association in respect to the legislation necessary for the relief of the Supreme Court of Ohio. The committee on judicial administration and legal reform has given intelligent consideration and thought to the subject. The act of the general assembly, which passed April 13th, is perhaps not as broad and comprehensive as the

legislation proposed by the Adams bill, which was approved at the last annual meeting, yet an additional judge, with the system proposed, may assist in reducing the docket. The act is amendatory to section 411 and 439 of the Revised Statutes, and supplements section 410 with an additional section.

The court will hereafter consist of six judges organized in two divisions. The two judges of the supreme court having the shortest time to run, not holding their office by appointment or election to fill a vacancy, shall be the chief justices of their respective divisions, and as such shall preside at all terms of such division; and in case of the absence of the chief justice of a division, the judge of such division having in like manner the next shortest term shall preside in his stead, and the elder in service of the two chief justices of such division shall be the chief justice of the whole court, and as such shall preside at all terms of the court. In case of his absence, the other chief justice of a division shall preside.

It is provided that all decisions by either division of the court in causes or matters not reserved to the full court, shall be entered as the judgment of the court. When the judges composing either division decide as to a decision or a cause before it, the cause shall be reserved for decision by the full court, and when different causes involving the same question are before the respective divisions at the same time, such causes shall also be reserved for decision by the full court. If the whole court divide evenly as to the decision in any cause, the judgment of the lower court shall be entered as affirmed, and such decision shall be held to be the law as to all such questions in other causes until overruled by a majority of all the judges.

When the judges in any matter of original jurisdiction divide evenly on any question or questions involved, the determination of the members with whom the chief justice votes shall be held to be the judgment of the court.

The term of the judges of the supreme court to be elected in the future has been extended to six years; of the two judges to be elected in November one will be for the extended term of six years, and one for the present term of five years.

The number of cases pending in the supreme court at the last annual meeting of the association was nine hundred and eighty-four, while the number of cases brought from that time to July 2nd was four hundred and twenty-one.

Two hundred cases have been disposed of in that period. The number of motions filed was two hundred and forty-two, while the number of motions disposed of was two hundred and forty-eight. The number of cases on the docket at the adjournment on September 26th last, was nine hundred and eighty-four.

Among the most important cases decided were those involving the Standard Oil trust, the compulsory education law, the provisions of the Cincinnati Charter Act, the constitutionality of the Massie law fixing the fees for charters on a per cent. of the capital stock, of corporations, the construction of the Australian ballot law, the right of individuals to prefer creditors in cases of assignment, and the two cases providing for the experimental farm at Wooster. The circuit court for the second judicial circuit has affirmed the judgment of the lower court that a matricide has the right to inherit, under the statute of descents the real estate of which his mother was seized in fee simple,

and whom he wilfully killed. This case has provoked some discussion in the law journals, and the decision of the court of final resort will be awaited with interest. The patient industry of the court is an example, and must commend itself to the bar of Ohio.

The general assembly passed an act authorizing the judges of the court of common pleas residing in Cuyahoga county to be paid, each out of the treasury of Cuyahoga county, twenty-five hundred dollars annually in addition to the salary now paid judges of the court of common pleas out of the state treasury. This increased the salary from $4,000 to $5,000.

An additional judge of the court of common pleas was authorized for the first subdivision of the fifth judicial district composed of the counties of Adams, Brown and Clermont, to be elected at the regular annual election for state and county officers in November.

An additional judge was authorized in the second subdivision of the ninth precinct district, composed of the counties of Trumbull, Mahoning and Portage, to be elected at the regular election for state and county officers in November, but with the term of office to commence on the fourth Monday of April, 1893.

There was, also, an act passed authorizing the election of an additional judge of the court of common pleas for the first subdivisions of the eighth judicial district, composed of the counties of Muskingum, Morgan, Guernsey and Noble, to be elected the first Monday in April, 1893, but in the future to be elected at the regular election for state and county officers in November.

In the general classification of municipal corporations by the act of February 10, 1892, they are now divided into cities and villages; cities are divided into

two classes, first and second; cities of the first class are divided into three grades, first, second and third: cities of the second class are divided into five grades, first, second, third, third *a* and fourth: cities of the second class which hereafter become cities of the first class will constitute the fourth grade of the latter class, and villages which will hereafter become cities of the fourth grade of the second class.

Cities of the third grade *a* are defined as those which on the first day of July, 1890, had more than twenty-eight thousand and less than thirty-three thousand inhabitants, and those which should, on and after the passage of the act defining the classification, constitute and be, and those which on the first day of July in any year have, when ascertained in the same way, more than twenty eight thousand and less than thirty-three thousand inhabitants.

The official publication of the session laws specifies upon the margin of the page that the classification thus defined and minimized and described as a city of the second class, third grade *a*, relates to the officers of the city of Springfield, which now includes a police judge. By another section of the same act in cities of the first class and in cities of the third grade *a*, of the second class, there shall be a court held by the police judge, which court shall be styled the police court, and be a court of record.

The legislature also created a police court in cities of the second grade of the second class, and made the Revised Statutes relating to police courts, and not inconsistent with the act creating the last, applicable to the court. It provides that such police judge should be chosen by the electors at the first annual election after the passage of the act, and should serve for a

term of three years at a compensation of $2,000. It is also specified in the margin of the page of the session laws that this legislation refers to the police court of Dayton.

There were also created by the general assembly police judicial districts for cities of the first class, second grade. Power is given to the city council to designate as many police judicial districts as may from time to time be necessary, and to provide for the election, term of office, compensation, —which shall not be less than fifteen hundred dollars per annum— and the territorial jurisdiction of the police judge for each police district. They have final jurisdiction in all cases of violation of any ordinance of the city, except in cases where the accused is entitled to a jury trial, and demands the same, or in cases where the validity of an ordinance is involved; in which case it is made the duty of the police justice to forthwith certify the case, with all the papers and certified copies of the docket entries to the police court. They have power to issue process, preserve order, and punish for contempt, grant motions for new trial, motions in arrest of judgment, suspend execution of sentence upon notice of intention to apply for leave to file petition in error, and to exercise all of the powers necessary in the exercise of their jurisdiction. The act creating this tribunal expressly declares, with all the solemnity of a legislative enactment, that a full opportunity will be given the accused to be heard in that court.

It is understood that this act applies alone to the city of Cleveland.

The general act authorizing the appointment of a justice of the peace as police justice in villages, by council on the recommendation of the mayor, has been

so amended that the term is not limited by the absence of the mayor, or his inability or disability, to hold court, but shall continue during the term of office of the mayor, unless removed on suggestion of the mayor by a vote of all the members of council.

There have been but few changes in the law relating to procedure. An important amendment has been made, however, in the act providing for the manner in which trials are to be conducted, by requiring the court, when the evidence is concluded and before argument to the jury is commenced, to give or refuse to give written instructions to the jury in matters of law, at the request of either party.

A proviso has been added to each of the sections regulating proceedings in garnishment, both in court and before a magistrate, that the garnishee, at the time of service, shall be entitled to demand his fees in the same manner and amount as other witnesses, and if not paid on demand, or within a reasonable time, the garnishee will not be bound by nor obliged to obey the service.

Married women must share the burdens as well as the blessings, which come from the more recent legislation respecting their rights. The words "married woman" have been stricken from the law limiting the time to six months in which petitions in error must be filed, so that she is no longer classified with infants or persons of unsound mind.

The interest of attorneys at law, rather than litigants, has been considered by including a fee of fifteen dollars for the attorney for the defendant in error, in the costs of suit, when a judgment for wages, rendered by a justice of the peace, is, by the defendant, taken on error to the court of common pleas, and af-

firmed. No fee, however, will attach unless the wages have been demanded in writing and not paid within three days after the demand. There is also a supplementary section intended to discourage appeals. It permits the justice to allow an attorney fee not in excess of five dollars to be included in the costs, if the plaintiff in any action for wages, recover the sum claimed by his or her bill of particulars. If the defendant appeal from any such judgment and the plaintiff on appeal recover a like sum, exclusive of interest, from the rendition of the judgment before the justice, there shall be included in his costs an additional fee not in excess of fifteen dollars, as the court may allow.

The time when exceptions may be taken and reduced to writing has been extended to a period not exceeding fifty days beyond the date of the overruling of the motion for a new trial, or from such decision by the court where a motion for a new trial is unnecessary.

The bill of exceptions must be presented for allowance within fifty days after the overruling of a motion for a new trial, or the decision of the court, where a motion for a new trial is not necessary. In case, however, of the absence of the trial judge or judges from the district or circuit where the bill of exceptions is presented for allowance, then it may be deposited with the clerk within the fifty days for the examination and allowance of the trial judge or judges who shall be required to sign the same, if correct, on or before the fifth day of the term of court next ensuing after the fifty days.

If the exceptions be not true, then, after it is corrected, the trial judge, or a majority of those composing the trial court, must allow and sign it before the case proceeds; or, if the party excepting consents

within the fifty days, or in case of the absence of the trial judge or judges, on or before the fifth day of the next ensuing term of court, the bill of exceptions shall be filed with the pleadings, and, if the party filing request it, made a part of the record, but not spread on the journal, and an entry entered upon the journal of the court within the time fixed for the allowance and signing. The bill of exceptions must be submitted to opposing counsel, for examination, not less than ten days before the expiration of the fifty days, and to the trial judge or judges, unless absent, not less than five days before the expiration of the fifty days. The trial judge or judges may extend the time for signing for a period not exceeding ten days beyond the expiration of the fifty, but any such extension must be endorsed on the bill of exceptions.

The statute in respect to competency of testimony has been supplemented by an additional section with sectional numbering to the effect that whenever a party or a witness, after testifying orally, die, or is beyond the jurisdiction of the court, or can not be found after diligent search, or is insane, or is physically or mentally incapacitated to testify, or has been kept away by the adverse party, if the evidence given has been or shall be incorporated into a bill of exceptions in the case where such evidence was given, as all the evidence given by the party or witness in the case, and the bill of exceptions shall have been duly signed by the judge or court before whom it was given, it may now be read in evidence by either party in a further trial of the case. In case no bill of exceptions has been taken or signed, then the evidence of any party or witness taken down by any competent, official stenographer, may be read in evidence by either party

on a further trial of the case, and shall be deemed and taken as *prima facie* evidence of what such deceased party or witness testified to orally on the former trial. If such evidence has not been taken by a stenographer, the same may be proven by witnesses who were present at the former trial, having knowledge of such testimony, but all testimony thus offered is open to all objections which might have been taken if the witness were personally present.

Heretofore, a party desiring to appeal his cause to the circuit court, was required to enter on the records notice of such intention at the term at which the judgment or order is entered, and within thirty days after the rising of the court give an undertaking, but the time is now limited to within three days after the judgment or order is entered, and within thirty days after the entering of such judgment or order upon the journal of the court, give the undertaking. The time is limited in the same manner to a party in a trust capacity who has given bond for the state for the transmission of transcript, papers and pleadings, to the clerk of the circuit court.

There have been but three amendments to the jury law. The act exempting from the jury service now includes all persons over seventy years of age. In the trial of a person charged with a capital offense, after the cause has been assigned for trial, and a jury for the trial has been drawn, and the cause, for any reason, shall be continued to another term of court, the jury so drawn shall be discharged and a new jury drawn for the trial of the cause.

The provisions of the act for the appointment of jury commissioners now apply to all counties having a city of the first class or the first and second grade

of the second class, which, being interpreted, means the counties of Cuyahoga, Franklin, Hamilton, Lucas and Montgomery. Of the jury commissioners none shall be an attorney at law in practice, and not more than two of the number shall be of the same political party.

Legislatures may come and legislatures may go, but like Tennyson's brook, the attempt to increase the fees of jurors in magistrate courts, goes on forever.

A bill with that end in view has appeared in successive legislatures along with one extending the term of office of township trustees to three years, notwithstanding the then existing constitutional prohibition. The fee for jurors before justices of the peace has at last been increased from fifty to seventy-five cents.

The new statutory offenses are limited in number. It is made a felony to unlawfully obtain, use, interrupt, or delay any message sent through any telegraph or telephone company. The unfortunate phraseology of the act employed the word "unauthorized," instead of "authorized," which necessitated the repeal of the original act and the passage of a new one within two weeks.

It is made a misdemeanor to wilfully disturb, by disorderly conduct, obscene language, or other means to unlawfully interfere with the peace and comfort of any passenger upon any passenger train.

The penalty for an indecent exposure of person, or the use of obscene language, has been increased from a fine of not more than twenty dollars to two hundred dollars, and imprisonment not more than twenty days to six months.

The penalty for unlawfully wearing the badge or but-

ton of certain military organizations now is made to include the Woman's Relief Corps, any ladies' circle of the Grand Army of the Republic, or any labor organization, in the state of Ohio, and is applicable to any known or organized secret society or order.

The statute which, with Don Quixotic zeal, attacks swings and flying horses and whirligigs, now is extended to any other device, and prohibits any one from establishing a temporary place of business for the sale of any article whatsoever, except as a regularly established dealer in such article at his usual place of business, within one-fourth of a mile of the fair ground of an agricultural society, while the fair is being held, without first having obtained a written permission of the society.

The dehorning of cattle is permitted under the cruelty to animals act, but the salmon fish, as distinct from the land-locked salmon, and the California salmon, is no longer protected during the spawning season. The fishes in the Lewistown reservoir are more favored since it is made a misdemeanor to employ set nets and seines to catch fish there within five years.

To engage in the business of barbering on Sunday is now a misdemeanor.

The penalty for selling or giving away intoxicating liquors near the Soldiers' and Sailors' Home, at Sandusky, is extended to the National Home for Disabled Volunteer Soldiers, near Dayton, and the prosecuting attorney of the police court is charged with the duty of prosecuting all violations of the law.

It is a misdemeanor to prevent an employe from joining or belonging to any lawful labor organization, or by coercing, or attempting to coerce employes by

discharging or threatening to discharge, because of their connection with any lawful labor organization.

The general assembly, two years ago, passed an act for the better protection of skilled labor, and for the registration of labels, marks, names, or devices, covering the products of such labor of associations of working men or women. It is made a misdemeanor to use, imitate, or display any label for the sale of any such goods or merchandise under the conditions of the act.

A state that has produced such men as Ohio—the mother of the three generals of the late war, who commanded our armies, and all the modern presidents,—is not ashamed of any other of her products. There is, however, no such grade of Ohio cheese as "Ohio skimmed." Any manufacturer of cheese, therefore, who shall sell or dispose of any cheese without being stamped, in full faced capital letters in ordinary stamping ink, red, green, purple, or violet color, the grade of the same, as "Ohio Full Cream," "Ohio State Cheese," "Ohio Standard," or "Ohio Skimmed," or who shall falsely stamp the same, and any dealer or other person who shall remove, deface, or obliterate such stamp from any cheese so stamped, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and for each subsequent offense not less than one hundred dollars, nor more than three hundred dollars, and pay the costs of prosecution.

The state, too, with a proper regard for the lives and limbs of those who delve in the mines, has made it a misdemeanor to use any inferior oils for illuminating purposes in coal or other mines.

The general incorporation laws of the state show no radical changes of material interest. Perhaps the

most important is that in regard to the notice preliminary to a public improvement in cities or villages. The notice must be given in the manner provided by law for the service of summons in a civil action and in the matter of sidewalks, if it appear that the owner is a nonresident or that the owner or agent or their residence cannot be found, then notice may be given by publication.

The act which was originally intended for the cities of Cincinnati and Toledo, as to the improvements at intersections of streets, and the two per cent. of total cost to be charged to the city, has been made applicable to cities of the first grade and third grade of the first class, and it is no longer a condition precedent that the auditor shall certify that the money is in the treasury to meet the expense. In cities of the first and second class no railroad train is permitted to remain standing at a street crossing for a longer period than two minutes, and to prevent evasion of the spirit of the act, by running a train back and forth every two minutes, the occupancy of the street by a train within the first ten minutes following the two minutes is prohibited.

The board of legislation, or council in every municipality is authorized by ordinance to require the owners of any street railroad operated by electricity, cable, compressed air, or any motive power other than horses and mules, to place watchmen at every street crossing, intersection or corner, which the board of legislation or the council may deem dangerous, and may, upon any neglect by penalty in the way of fine and imprisonment, or both, or by a penalty of one hundred dollars recoverable in a civil action.

The acts relating to the construction and completion

of water works, in cities of the first grade of the first class, and authorizing the expenditure of six millions of dollars, and the creation of the park board of the city of Cincinnati, evince a growing disposition to enlarge the functions of the mayor in the matter of appointment.

So far as private corporations are concerned, stockholders in railroads who refuse to consolidate, may arbitrate on certain conditions, and legislation has been invoked for the imposition of penalties for violation of rates of freight.

The general subject of protection to labor has received more than ordinary attention from the general assembly. Thought has been given to the use of such appliances as will not endanger life, and a more rigid system of inspection has been introduced. In order to give better security to such persons as use and pass up and down stairways in or on tenement houses, apartment houses, factories, work shops, stores, and other rooms of public resort for business or social enjoyment, stairways must be provided with a good, substantial hand-rail from top to bottom. With singular propriety the offices of professional men are mentioned, with the churches. There is not only a penalty for neglect, but there is a civil liability for damages. There is a singular omission that the act takes effect from its passage, and the penalty attaches before opportunity is given to comply with its provisions.

The legislature also considered the subject of the danger to life and limb by the use of unsuitable and improper scaffolding, hoisting, and other mechanical contrivances in the erection, repair, alteration, or painting of buildings; and provided for a more efficient inspection of the heating, lighting, ventilation and san-

itary arrangements of shops and factories, and the means of egress in case of fire, as well as the location of the belting, shafting, gearing, or elevators with reference to the safety of the employes while engaged in work.

The mechanic's lien upon water craft, buildings, etc., is extended to liens for operating, completing or repairing of gas or oil wells, and affects the interest, leasehold or otherwise, of the owner in the lot or land on which they may stand.

Provision is made against accidents on railroads by fixing ten hours as a day's work for train men, and permitting extra pay for the hours for work over ten hours. They must be given a rest of eight hours after fifteen hours of continuous work, except in cases of detention by accident. A penalty of not less than five hundred dollars or not more than one thousand dollars is fixed for the violation of this act.

The legislation respecting the probate court has been almost wholly in regard to procedure and in the direction of amplifying its jurisdiction. It is now made obligatory on the probate court, in all estates involving the rights of an idiot, insane person or minor, to require a sufficient bond, whether or not such request is specified in the will, in which the disposition of the property is directed.

When complaint is now made to the probate court, or to the court of common pleas, where the property of an estate is concealed or embezzled, and a jury is demanded by either party, the court may, forthwith reserve the case to the court of common pleas for hearing, and determination, and proceed as though the complaint had originally been made there.

Power is given to the court issuing a citation to

commit any person who shall refuse or neglect to appear, and when an administrator or executor is found guilty, the probate court shall remove him. The administrator or executor in favor of whom any such judgment shall have been rendered by the probate court, may forthwith deliver a transcript to the court of common pleas on which execution may issue as in other cases.

The compulsory education act has been modified so that in case the board of education, or superintendent, refuse to grant excuse from attendance in school, the parent or guardian shall have the right of appeal to the probate court, and the decision shall be final.

Whenever the court appoints a trustee under the insolvent debtor act to serve in place of the assignees of the debtor, the appointment and qualification of the trustee so appointed shall operate as a conveyance of all the property originally assigned to the assignee.

The act providing for the payment of costs by the claimant in appeals in road cases in the probate court, permits the county commissioners, in their discretion, to pay out of the county treasury any part or all of any costs that may be adjudged against the defendants.

In sale of real estate and distribution of proceeds for payment of debts, except in proceedings by guardians to sell lands to pay debts, when the action is determined by the probate court, the judge may make the necessary order for the entry of release and satisfaction of mortgages and other liens on the real estate, and shall enter such release and satisfaction, together with a memorandum of the title of the case, the character of the proceedings and the volume and page of the record, and where recorded, upon the

record of such mortgage, or other lien, in the recorder's office.

When the executor or administrator shall now make return of his proceedings under the order of sale, the court may, if for the best interest of the estate, direct that the offer of the purchaser to pay the full amount of the purchase money may be accepted, and direct the distribution; and the court may direct sale, without recourse, of all or any of the notes taken for deferred payments, at not less than their face value with accrued interest, and direct distribution of the proceeds

Perhaps no public measure has been received with more apparent legislative favor within the last decade than what is known as the Australian ballot system. It is now on the statute book of thirty-three states and territories. Even monarchical England has adopted the ballot in a form securing the utmost secrecy. The state of Kentucky was the last of the American commonwealths to abandon the *viva voce* method, and it was made a part of the organic law.

The act to insure the secrecy of the ballot and prevent fraud and intimidation at the polls was only passed April 30, 1891. It was amended March 18, 1892, so as to except the April and all special elections in hamlets and villages not divided into wards, whose population was less than thirty-five hundred by the last federal census, and certain elections for school directors and members of the school board, and all questions to be voted on at such April and special elections. This amendment was singularly defective in that it left confusion as to method of the elections thus exempted from its operation. It was again amended March 31, 1892, by exempting the election of the judge of the court of common pleas at the April election, and certain mu-

nicipalities from its operation; and was again amended on the same day touching the election of assessors, and with certain exceptions to the operation of the original act.

It is too soon, perhaps, to venture any prediction as to the ultimate result of this system. It is as yet an experiment; but what is needed, and the people will imperatively demand, is stability of legislation in regard to our election laws. The elector should no more be left in doubt as to the method of voting than as to what measure, or the candidates for whom he is voting.

The act changing the mode of procedure and the jurisdiction in election contests for judgeships will commend itself to the profession. The warrant for this legislation will be formed in section 22, article II of the constitution, which provides that the general assembly shall determine, by law, before what authority, and in what manner, the trial of contested election cases shall be conducted. The supreme court, too, in the *State* v. *Marlow*, 15 Ohio St., 114, distinctly says that a specific mode of contesting elections in this state, having been provided by statute, according to the requirement of the constitution, that mode alone can be resorted to, in exclusion of the common law mode of inquiry by proceedings in *quo warranto*. The statute which gives this special remedy and prescribes the mode of its existence binds the state as well as the individual.

This measure was first proposed by the late General Durbin Ward, the fourth president of the association, and the late General John C. Lee, who, as chairman of the committee on judicial reform, urged this reform year after year before successive legislatures.

The act provides that the circuit court shall have exclusive original jurisdiction of the contest of elections of all common pleas and superior court judges, and that the proceedings shall take place in the county in which the contestee resides. The supreme court has exclusive jurisdiction of the contest of elections of circuit court judges and of all state officers. If the contestee be a member of the supreme court he shall not sit in the determination of the case, nor upon any question preliminary or incident thereto, or connected with the election in which he was a candidate for judge of the supreme court.

A most serious defect in our legislation is the uniform enactment that the particular law shall take effect and be in force from and after its passage. It is possible that a measure may become a law which may have arisen in unpatriotic or selfish purposes, or which may affect the code of civil or criminal procedure, and very materially modify a principle that has been recognized and been a rule of action for years. Indeed, statutory offenses may be created from which even the innocent and confiding might suffer. It may be that every man is expected to know the law, but the Utopian period has not been reached when every one does know the law.

There is no little wisdom in that provision of the constitution of Indiana that permits no act to take effect until the same shall have been published and circulated in the several counties of the state by authority, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law.

The constitution of Tennessee declares in like spirit, that no law of a general nature shall take effect until

forty days after its passage, unless the same, or the caption, shall state that the public requires that it should take effect sooner.

The legislature has passed an act that when a law of a penal nature is passed, the Secretary of State shall, within ten days after its passage forward to each county clerk a certified copy of the same.

This is a step in advance, but not a sufficiently advanced step. A reasonable time should elapse between the passage of an act and the taking effect of that act. It is possible that an emergency may arise which demands an immediate legislative remedy, but the emergency should be both rare and apparent, and established in the legislative mind, not by a fair preponderance of all the evidence, but beyond a reasonable doubt.

There is no security for a free people except through an enlightened public sentiment expressed in legislative enactment, or in the form of organic law. A faithful adherence to a written constitution then becomes the only guarantee of public order. There is nothing else that will preserve the sacredness of our homes or the peace of our streets. The evils of local legislation were most apparent under the constitution of 1802, in which there was no restraining provision. For one half century laws having a general subject matter, and, therefore, of a "general nature," were frequently limited expressly in their operation, to certain localities, to the exclusion of other portions of the state. "This naturally led," says one of the purest judges who ever sat on any bench, "to imprudent legislation enacted by the votes of legislators who were indifferent in the premises, because their own immediate constituents were not to be affected by it. To

arrest and for the future prevent the evil, this provision was inserted in the present constitution." It is true that it has been held that the provision that all laws of a general nature shall have a uniform operation throughout the state does not inhibit appropriate local legislation. The difficulty is not in appropriate local acts.

There is need of restraint, however, to that growing tendency of the last decade to evade the constitutional prohibition of special laws when general legislation will accomplish every purpose. The advance sheets of the session laws of the seventieth general assembly thus far issued show that of two hundred and seventy-three acts designated as general in their character, not less than one hundred and eighteen are local in their application.

The very first of the session laws authorizes the council of villages having a census of two thousand, one hundred and fifty to issue bonds in any sum not exceeding five thousand dollars, for the purpose of defraying the necessary expenses of the government of such village, while the last of the public session laws, as published, confers authority on any city with a census population of not less than thirteen thousand, four hundred nor more than thirteen thousand, five hundred to issue bonds in any sum not exceeding one hundred thousand dollars, for the purpose of the general improvement and benefit of the city. The intervening pages are largely filled with legislation in the form of enabling statutes in favor, for instance, of villages with a census population of not less than eight hundred and forty nor more than eight hundred and fifty, and others with a census population of not less than eight hundred and fifty and not more than

eight hundred and sixty inhabitants; municipalities with a census population of seven thousand, one hundred and forty-one, and others not less than seven thousand, eight hundred and seventy-five, and not more than seven thousand, eight hundred and eighty-five inhabitants; townships with a census population of not less than one thousand, six hundred and twenty-seven nor more than one thousand, six hundred and thirty-seven, and others with a census population of not less than one thousand, five hundred and thirty nor more than one thousand, five hundred and thirty-six inhabitants; counties with a census population of thirty-five thousand, four hundred and sixty-two, and others with a census population of not more than forty-eight thousand, six hundred nor less than forty-eight thousand, five hundred inhabitants.

These instances are not selected, but taken in the order of passage. The session laws of Ohio published by state authority, specify on the margin of the page containing the original act, the locality to which this legislation will apply, namely, Girard and Mansfield, as to the first and last pages, here cited, and the villages of Weston and Malta, the municipalities of Fremont and Tiffin, the township of Ridge in VanWert county, and Mohican in Ashland county, and the counties of Erie and Butler, in consecutive order.

This review is made simply to call attention to the tendency which is not only manifest in the legislation of our own state, but in the legislation of all states of the Union. There are, it is true, new demands growing out of an increasing population and the inventive ingenuity of man. Changed conditions alone can be met by adaptive legislation, and legislative action only can be effective when it recognizes and

expresses the customs which society is endeavoring to make uniform. There was no little sound philosophy in the utterance of Solon, the law giver, who, when asked why he did not give the Athenians better laws, replied that he gave them the laws best fitted for them. Sir Matthew Hale, in a tract which he left behind him, entitled "Considerations touching the Amendment of the Law," wisely says: "We must remember that laws were not made for their own sakes, but for the sakes of those who were to be guided by them; and though it is true that they are and ought to be sacred, yet if they be or are become unuseful for their end, they must either be amended, if it may be, or new laws be substituted and the old repealed, *so it be done regularly, deliberately,* and so forth, only as the exigencies or convenience justly demands it; and in this respect the saying is true, "*Salus populi suprema lex esto.*" It is a wise people that regards with supreme reverence the obligations of a written constitution.

The ordinance of 1787, which has exerted such a mighty and permanent influence upon the people of the northwestern states, prohibited legislative interference with private contracts, and secured to the people, as an inalienable inheritance, the benefit of *habeas corpus*, of trial by jury, of judicial proceedings according to the common law, and of a representative government. This prohibition has been to a great population the safeguard of the public morals and of individual rights. Power is of an encroaching nature, and should be effectually restrained from passing the limits assigned to it. The English parliament was omnipotent to regulate the succession to the crown in the reign of Henry VIII and William III; to alter the established religion of the land in the reign of Henry

VIII, and his three children, and to create afresh even the constitution of the kingdom and of parliament themselves by the act of Union and the several statutes for triennial and septennial elections. It is stated in the Madison papers, "that experience in all the states has evinced a powerful tendency in the legislature to absorb all power into its vortex. This was the real source of danger to the American constitution, and suggested the necessity of giving every defensive authority to the other departments consistent with republican principles."

Chief Justice Marshall, in the celebrated case of *Marbury* v. *Madison*, declares: "The constitution is either a superior and paramount law unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternatives be true, then a legislative act contrary to the constitution is not a law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its nature illimitable."

"Our American system of government," said the president of the American Bar Association in his address at Boston, "has been distinguished from all others by its giving through its written constitution such guarantees of individual right as no sudden change in public sentiment, no sudden exigency in public affairs, could break over or break down. But constitutions are nothing unless they are enforced in the spirit in which they were conceived. In them, more than in any other thing of human institution, 'the letter killeth.' The courts may be relied on for their faithful interpretation, but that our legislatures may

be equally true, can be secured only by the constant insistence on the part of the profession, as the great leader of public opinion, at least as put in form by legislative action, that no constitutional principle ought ever to be undermined or evaded in statute law on a plea of public necessity. There is no necessity so imperious as supporting the constitution which we are bound by an oath as citizens and by our oaths as members of the bar. Its formalities, its delays, its limitations, are the best fruits of a thousand years of Anglo-Saxon history. The omnipotence of the British parliament our fathers refused to produce on American soil, and it belongs to us to keep it out as well in substance as it is in form."

It is not the part of wisdom to remove the ancient land-marks which our fathers have set.

There is, too, a tendency on the part of legislative authority to impose duties on the courts not strictly judicial in their character, and that can not be regarded without concern by any thoughtful observer. It not only takes from the court the time that rightfully belongs to the discharge of its proper duties, which is secondary, but such political appointees will create in the community an element which, Argus-eyed and Briareus-armed, will dictate the very members of the court itself. When the court of Star Chamber was abolished, effectual care was taken to remove all judicial power out of the hands of the King's Privy Council, because it was then evident from recent instances, that it might be inclined to pronounce that for law which was most agreeable to the prince or his officers. The very foundation of the social fabric is threatened when public confidence in the integrity and impartiality of the bench is even weakened by the sus-

picion that political motives and political influence determine who shall administer justice.

Blackstone declares that in the distant and separate existence of the judicial power in a peculiar body of men consists one main preservative of public liberty, and when it is joined with the legislative power, the life, liberty and property of the subject would be in the hands of arbitrary judges, whose decision would then be regulated only by their own opinions, and not by any fundamental principle of law, which, though legislature may depart from, yet judges are bound to observe.

Mr. Chief Justice Taney, in the last judicial paper from his pen, and printed after his death, with the assent of all the members of the court, said, "These cardinal principles of free government had not only been long established in England but also in the United States, from the time of their earliest colonization, and guided the American people in framing and adopting the present constitution. And it is the duty of the court to maintain it unimpaired, so far as it may have the power. And while it executes for us all the judicial powers entrusted to it, the court will carefully abstain from exercising any power that is not strictly judicial in its character, and which is not clearly confided to it by the constitution."

The law must be invested with a supreme majesty. We are a proud, self-conscious democracy, and there must be new defences for freedom against the perilous activities quickened into life by its own fearless spirit. The greatest security will be in a universal respect for constituted authority.

The lasting glory of a nation will be found in an

upright bench rather than in a blameless prince. It alone will survive the mutations of time. Lord Chief Justice Crewe in his celebrated opinion respecting the Earldom of Oxford, said, "there must be an end of names and dignities;—for where is Bohun? Where is Mowbray? Where is Mortimer? Nay, which is more and most of all, where is Plantagenet? They are entombed in the urns and sepulchers of mortality."

There is no more enduring page in English history than when one of her judges resisted the arbitrary exactions of a sovereign who wished to introduce despotism under the form of judicial procedure, and declared in words that still ring through the generations, that when the case happened he would do that which is proper for a judge to do. He carried the petition of right, which recognized the liberties of Englishmen, notwithstanding the violence of Charles I, and deserves the magnificent eulogy of Lord Bacon, who said that "without Sir Edward Coke the law by this time had been like a ship without ballast."

Religion, morality and knowledge were declared by the great ordinance, as essential to good government. With these fundamental principles as the basis of free, representative government, and with an educated citizenship, revering the arts and maxims and traditions which brought this people from the colonial period through the time of the revolution, and added star after star to the crowded galaxy of the flag, there will be nothing to prevent the onward march to perfect unity and imperial power.

CHRISTOPHER COLUMBUS

We are told that as Columbus sailed toward that New World he gave to Castile and Leon, that flowers and carved wood came floating about his vessel, while resting upon the mast-head were birds of the most beautiful plumage. This daring navigator of unknown seas imagined himself at the threshold of Eastern Asia, and that he was about to realize his life dream of finding the Indian Empire. He was at the gateway of the New World. He had discovered an infinite continent which should forever be dedicated to modern democracy and a perpetual home for the quickening principle of human liberty.

Four hundred years have passed since those eventful days in October, and while America, for centuries, has guarded the liberty, industry, education and happiness of its dependent millions the promises come to a mighty continent—like the flowers and carved wood and birds of beautiful plumage to Columbus on approaching land--of even a greater civilization which yet awaits its people under the blessings of liberty and order and law.

In this supreme hour in our history it will not be forgotten that Christopher Columbus merits the unfading glory of the discovery of America—an achievement which will grow with every passing century. Seneca may have long before predicted another

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Delivered Before the People of Cincinnati, at Music Hall, October 21, 1892, on the Occasion of the Four Hundredth Anniversary of the Discovery of America.

hemisphere, but it was left to this man of Genoa to present it to humanity. It has been truthfully said that numberless Norsemen rest in nameless graves, but the name which is in all hearts and on all tongues as the discoverer, is the one at the prow of the *Santa Maria* looking westward, and whose face looks calmly down from the walls of the council chamber in the Municipal Palace at Genoa, and whose marble figure fitly entombed in the palms of the Piazza Acquaverde receives forever the kneeling tribute of the New World—Christopher Columbus. The story of discoveries and settlements on the shores of America—then called Vineland—may have been preserved in the Scandinavian Sagas and the voyages of Leif and Erickson may have been familiar around the Yule logs of the Icelanders, but it was his fortune to solve one of the world's greatest problems, and to give, not in the spirit of adventure, but of dedication to a noble purpose, a hemisphere to Christendom. The name of Amerigo Vespucci has been given to the continent, but the name of Columbus has been given to posterity.

The problem of geographical extension began to attract attention even before the birth of Columbus. It increased with the expansion of knowledge. The mariner's compass stimulated a bolder seamanship while the Portuguese extended their discoveries along the coast of Africa. These discoveries, which had been begun before the end of the fourteenth century, had even been extended before the birth of Columbus as far as to Cape Verde. There were two theories of geographical discovery entertained by cosmographers: one maintained that the continent of Africa extended to the pole, and that the great equatorial belt was a permanent barrier to exploration and discovery: the

other rested on the supposition that there was an equatorial ocean girdling the earth, and led to the view that Asia could be reached by this ocean. The Spaniards adopted the former while the Portuguese adhered to the latter theory. Immediately after the beginning of the second half of the fifteenth century there was an increased interest, both in the theory of discovery and the necessary instruments for accomplishing distant voyages. Inventions and improvements in the instruments for determining speed, and the direction of sailing, and ascertaining latitude and longitude, were being made, and there was a general tendency to the theory of the sphericity of the earth in the practical form of globes. It seems strange that Italy, after the lapse of centuries, should again become mistress, for while that country produced a revival in every other department of science and of philosophy, Italy produced a revolution in the art of navigation and the science of geography. It supplied the mariner's compass and many improved instruments for nautical observation as applied to the art of navigation. Spain and Portugal were the maritime countries, and while they divided their patronage, they made the chief instruments of their glory—Columbus of Genoa, Vespuccius of Florence, and Cabot of Venice, all Italians.

Columbus was the master of the geography of the ancients; of the form of the earth; of the bearing of the Scriptures upon the existence of other lands and peoples; of the dreams of the Italians. These were the influences which were brought to bear on the mind of Columbus, and gradually took possession of it. To this he added a religious fervor and a conviction that he was a divinely appointed instrument for the accom-

plishment of this great work. He was familiar with cosmographical writers; he loved the Psalms of David; he saw visions of the future and heard heavenly voices telling him, in the language of the old prophecy, that God would cause his name to be wonderfully resounded throughout the earth and give him the keys of the ocean which are closed with strong chains.

Columbus was born in the year 1446, at Genoa, Italy, of a family of good social position in the aristocratic Republic of that name. He devoted himself, while at the University of Paria, to the subjects of astrology, geometry, and kindred branches, and to those studies most attractive to a youth from an important seaport. These studies presaged his future career as a navigator. He was more or less engaged in a seafaring life, and devoted much time to the making of maps and other kindred employments. In presenting his case to the Court of Spain, in 1492, he himself declared, among his other qualifications for undertaking such a voyage, that he had sailed from England to the coasts of Guinea, and also declared, in another place, that in one of his voyages he sailed beyond "Thule." Many scholars assert that it is impossible to believe that there was even any perfect identification with "Thule" of any actual body of land, but like the lost *Atlantis,* it floated in the dim beyond and existed only in the mists of an unexplored sea. It has been urged that Columbus first heard in "Thule," or Iceland, the wonderful story of the Norsemen and it was this which prompted him to set sail on his voyage.

Columbus sought assistance from Portugal for a voyage to be made to Asia by the westerly route, but the real trouble in Portugal, as it was so long in Spain, was the demand that Columbus should be made vice-

general of all the lands which he should discover, and admiral in the navies of the empire under whose flag he sailed. After the rejection of his proposal by Portugal he set out for Spain, and an entry in the books of the treasurer of their Catholic majesties, on May 5, 1487, shows that his first gratuity was issued to "Christobal Colomo, a stranger," in an amount equivalent to about two hundred and fifty dollars. This was the date of his allegiance to Spain, and at the end of five years, May 5, 1492, the first preparations were made for his voyage, in the little town of Palos, where he became wholly confirmed to Spain and Spanish citizenship. It is not wonderful that the courts of Portugal and Spain should have hesitated to accept the seemingly magnificent offers of Columbus. The Junta of Portugal and the Council of Salamanca doubted, and they were composed of the most learned men of their time. Columbus was an enthusiast. There are many, even to-day, who know the road to El Dorado, and who can point out the glittering towers and gleaming pinnacles, as they are already revealed to the eye of sight as well as faith. Macaulay well remarks "that an acre in Middlesex is worth a principality in Utopia." The revival of learning, too, had dissipated many of the mists of the poets and dreamers, of astrologers and alchemists, of crusaders and adventurers.

The geographical extension of the realm, by means of exploration, was the absorbing purpose of Portugal at that time, while Spain was extending her realm by conquest. The united power had been summoned to accomplish the glorious work of the final expulsion of the crescent from Spain. The castles of Castile daily advanced from town to town, and from outpost to out-

post, and the lions of Aragon vied in proud emulation in the last death struggle of Goth and Moor. It is not surprising that there should have been some indifference to the appeals of Columbus when every energy was bent upon one of the great problems of a thousand years, and when almost every resource of men and money was exhausted for the victory just at hand.

The fall of Granada made possible the enterprise of Columbus. The first days of January, 1492, found Spain in the full enjoyment of a triumph which had been the aim of its policy for seven hundred years. Castile, Aragon and Leon were united under the joint rule of their sovereigns, and the Moor was expelled from Spanish ground. The time for Columbus had now come. The celebrated Court of Salamanca afforded him an opportunity of convincing a few influential men, and he had gradually gathered to himself a little circle of almost unbounded influence. The great need was money. Tradition tells us that the money was obtained from the treasury of Aragon, although as a loan to Castile, but it appears that the treasurer of the ecclesiastical revenues in Aragon made the loan from his private revenues, and in the interest of Castile alone. It is an historical fact that Castile alone participated in the voyage of discovery, and that the benefits which actually accrued went to Castilians only, the Aragonese being excluded from all share in the results.

Columbus was now made admiral in anticipation, and the agreement between him and the Court was drawn up and signed April 17, 1492. There were further agreements and honors on April 30th and May 8th and on May 12th he left Granada for Palos. On Friday, August 3, 1492, the little fleet, under favoring

breezes, moved majestically out of the harbor of Palos through the mouth of the Odiel river, amidst the tears of friends and the benediction of the church, to traverse unknown and illimitable waters. The chiming of the bells from Huela's steeple grew fainter and fainter, until it was finally lost to the ears of the sailors. Friday, the day on which he set sail, had always been regarded as a day of evil and the superstition has survived the centuries, and yet Columbus chose it, believing that instead of the day being accursed, it had been blessed by holy sacrifice: by the crucifixion that brought redemption; by the victory of Godfrey de Bouillon that delivered the holy sepulcher; by the recovery of Granada from Islamism and the redemption of Spain from the profaners of Christianity.

Columbus did not set sail for America, nor for the unexplored islands of the great sea, but for the western coast of Africa. He sailed southward to the islands off the coasts of Africa, and in a due west course from the Canary group, until the seventh of October, when he changed his course for a more southerly direction by reason of the indications afforded by such natural phenomena as the sea-drift and flight of birds. The first land was discovered in the Bahama group on Friday, October 12, 1492. During his cruising he touched upon the more important islands in the group —Cuba and Hispaniola, or Hayti, and reached the Port of Palos on Friday, the fifteenth day of March, 1493.

The reception of Columbus on his return to Spain has been perpetuated by the brush of the painter, as well as by the pen of the historian. The Court of Ferdinand and Isabella was arrayed in all its splendor, and united the pomp of royalty with the impressive dignity of the high services of the Latin Church. The

great discoverer presented the Indians, the bright-colored birds and the gold, which he had brought from the islands of the seas, while the slowly-chanted, glorious service of praise and thanksgiving swelled within the royal chapel. Three voyages were subsequently made, and after one he was sent to Spain in ignominy and chains. He died May 20, 1506, deprived of almost all the honors so splendidly won, and without even the consolation that his fame would be safe with after ages. Even the New World which he had discovered was about to receive the name of a rival voyager, and the great pathfinder was almost forgotten.

To Christopher Columbus belongs the surpassing glory of opening America to civilization. He must remain one of the greatest figures in history, and the country which he honored with his services and those which he discovered, after the lapse of four hundred years, vie with each other in doing justice to his memory. Ghoulish criticism cannot disturb the dead—yet living Columbus.

It has been well observed "that there is a certain meddlesome spirit, which, in the garb of learned research, goes prying about the traces of history, casting down its monuments, and marring and mutilating its fairest trophies. Care should be taken to vindicate great names from such pernicious erudition. It defeats one of the most salutary purposes of history, that of furnishing examples of what human genius and laudable ambition may accomplish."

With the name of Columbus there will always be associated that of Isabella, who was one of the purest spirits that ever ruled over the destinies of a nation. The historian, in speaking of her, says, that had she

been spared, her benignant influence would have prevented many a scene of horror in the colonization of the New World, and might have softened the lot of its native inhabitants. As it is, her fair name will ever shine with celestial radiance in the dawning of its history.

Nothing in human history has a touch of greater pathos than the dying hours of this great man. He was even willing to raise himself from a bed of penury and despair to place himself at the head of an army of Spanish crusaders to wrest the city of David from the hated Moslemite. A cruel destiny had consigned him to a room in a little hotel, with no decoration save the chains which had bound him as the seal of a king's ingratitude. He lay on a bed of pain — forgotten by those whom he had enriched, and by the country he had honored—as he watched the advancing shadows that were darkening the world, and noted the roseate hues that revealed the breaking of the eternal day. He fell into the last sleep, and his great soul, tempest-tossed and tempest-torn, like his own *Santa Maria* on a wide and restless ocean, at last found the haven of a peaceful rest.

The death of the great navigator produced a profound sensation in Spain, and it was only then that the sovereign realized what glory he had reflected on the country. The funeral was celebrated with much pomp, and the body interred with great civic honors in the parochial church at Segovia. Thus was then manifested the respectful remembrance in which the Spanish people held the hero who had discovered the New World and had been the first to plant the standard of the cross in that land. After seven years the remains were transferred to the Carthusian

Monastery, in Seville, when, in the chapel of Santo Christo, the body was committed to the sepulchre for a second time. It remained there for twenty-three years when Don Diego, the son and successor of Columbus, died and was entombed by the side of his father in the monastery. The bodies of both father and son, ten years afterwards, were exhumed and transferred to Hispaniola, where they were re-interred in the chapel of the Cathedral of San Domingo. It was fitting that his body should rest in the soil of the land which he had discovered, but when Hispaniola was ceded to France by Spain at the termination of the war between these countries in 1795, the remains were again committed to the Cathedral of Havana, in the island of Cuba, that they might sleep under the flag of Spain. The dust of Christopher Columbus should find a final resting place under the majestic dome of the Capitol of the United States of America where a great Republic, mighty in its perfect unity, will guard with tender and reverential care the ashes of the great discoverer who gave a continent to human freedom and the rights of man. His body there, at least, will be safe from foreign invasion or domestic foe, for that Capitol is secure in the affections of a patriotic people and millions of men will surround it with a living defence which the armed powers of the nations can neither penetrate nor destroy.

It awakens much reflection when we read how the remains of Columbus, after the lapse of three hundred years, were received at San Domingo as national relics, and with civil and military pomp and the high religious ceremonials of the Church of Rome, while from this very island he was carried to Spain, loaded with ignominious chains and ruined, apparently, in both

fame and fortune. "Such honors," says one alluding to this same subject, "it is true, are nothing to the dead, nor can they atone to the heart, now dust and ashes, for all the wrongs and sorrows it may have suffered, but they speak volumes to the illustrious, yet slandered and persecuted living, encouraging them bravely to bear with present injuries, by showing them how true merit outlives all calumny, and receives its after reward in the admiration of after ages."

The first daring voyage of Columbus involved all the glory that lay in it for him as the discoverer of a new world. The three subsequent voyages brought only labor and heaviness, and like many men who are prominent in a signal field, he met persecutions and penalties, and the life distinguished by the greatest event in modern times closed only in sadness and despair. The discovery of America, however, stimulated other voyages, while to South America, and especially on the Pacific coast, where gold was found, there was a large emigration. The lust of dominion in the maritime nations led to the occupation of the New World. Italy, which furnished the discoverer, made no attempt to plant her colonies, while Spain and Portugal, France and England partitioned it in their ambitious conquests. Spain, naturally from the discovery of Columbus and an expedition fitted out under royal patronage, took the largest share in territory, and was followed by France, who made a great effort by planting her standard on the waters of the St. Lawrence, to achieve a title to a dominion that would have made her the most powerful nation in western Europe. Indeed as early as 1673 two French missionaries penetrated from Canada into the Mississippi Valley and realized the opportunity for extending French domin-

ion over a region of wonderful extent and surpassing fertility. La Salle erected a column on the banks of the Mississippi to which was affixed the arms of France, and declared, amidst the chanting of the *Te Deum,* that in the name of the Most High, Mighty, Invincible and Victorious Prince, Louis the Great, by the grace of God, King of France and Navarre, thirteenth in that line, and his successors to the crown, he took possession of the whole country along the Mississippi and the territory along the rivers which discharge themselves therein from its source. This forest was virtually held by France for more than two hundred and fifty years, and indeed until the victory over Montcalm by Wolfe on the heights of Quebec. England was third in territorial expanse in the New World, while Portugal, whose maritime power at that time extended to Asia and Africa, held possession of the vast area of Brazil. England made her first settlements in Virginia, in 1607, and in New England, in 1620, and held the Colonies until they secured their independence by the Declaration of Independence in 1776. For two and one-half centuries these maritime countries held to their divisions of America, and the sovereignty of Europe extended over all. France was compelled to abandon the most magnificent empire of modern times, while in the last half of the eighteenth century, England had increased her possessions by the acquisition of the vast empire between the St. Lawrence river and the Behring Straits. Spain held her own, while little Portugal, with much of the spirit of her Prince Henry, the navigator and patron of geographical discovery, still continued in possession of the Brazils.

The rays of the coming sun tint the horizon with

golden hues until soon homes and orchards, and woodland and meadows rejoice in the full sunlight. The institutions of constitutional government and individual freedom which were planted on the shores of the Atlantic between the capes of Virginia and the rockbound coast of New England have extended in parallel lines across a continent to where California, with her snow-capped diadem, sits Empress of the Seas. They have become intrenched in a continent. Monarchy could have no safe lodgment in a soul where there were no traditions and no ideas of feudalism to restrict the growth of freedom.

The colonies of Spain in America, therefore, became a part of the nation which Isabella helped to found, and to-day Spain bears no more rule on continents, and holds no more territory in this hemisphere than the islands where Columbus first planted the cross. The House of Braganza established another Portugal on the imperial estate of Brazil, and with the exile of Dom Pedro from his throne there perished the last of monarchy in the New World. Except the inconsiderable colonies of the Guineas, the whole southern continent is held by its people and in their possession and control.

The British possessions in America are rather dependencies, in name, than an integral part of the empire. The St. Lawrence, as it moves toward the ocean, cannot and will not divide a people with a common language, with common traditions and whose history is the history of the Anglo-Saxon race. The pathway of these two great nations must be in the direction of peace, but the time will come when an ocean bound Republic will proclaim by its very policy that a free representative government is a government by the

people, and that a government to be lasting and permanent must rest upon the consent of the governed. The surest defence of a free people must rest in the honor, the virtue and love of its citizens.

Christopher Columbus did not give a new world to Castile and Leon so much as he gave a new world to humanity. Nearly three hundred years had passed from the time that discoverers set foot upon the islands of the western continent before the Republic was born. It was not for the gold of nations, nor the glory of kings that a virgin hemisphere was found in these boundless seas. It was for the superlative idea of self-government. It was that the republican idea should take the place of the monarchical idea.

Columbus died in ignorance of the grandeur of his discovery. He went down to the grave with the conviction that he had merely opened a new way to the old resorts of opulent commerce, and had discovered some of the wild regions of the east. He supposed Hispaniola to be the ancient Ophir which had been visited by the ships of Solomon, and that Cuba and neighboring land were but remote parts of Asia. What visions of glory, says his best eulogist, would have broken upon his mind could he have known that he had indeed discovered a new continent equal to the whole world in magnitude and separated by two vast oceans from all the earth hitherto known to civilized man: and how would his magnanimous spirit have been consoled, amidst the afflictions of age and the cares of penury, the neglect of a fickle public, and the injustice of an ungrateful king, could he have contemplated the splendid empires which were to spread

over the beautiful worlds he had discovered: and the nations, and tongues, and languages, which were to fill its lands with his renown, and revere and bless his name to the latest posterity.

THE AMERICAN FLAG

Commander and Companions of the Loyal Legion:

A sailor boy, sixteen years of age, on the twenty-fifth day of November, 1783, climbed the flag staff at Fort George, at the foot of Broadway, New York, and hauling down the British flag that had floated there for more than seven years, unfurled in its place the flag of the United States. The historian says that as the white sails moved down the Narrows and bore away from the shores the last armed enemy, there were thousands of eyes that followed them seaward until the last speck of canvas disappeared in the horizon. Then a thousand voices that had long been silent broke forth into cheer after cheer, and a thousand hearts that had been despondent beat high with the inspiration of freedom, and the consciousness that the work of the Revolution had ended.

The king in his address from the throne hoped that Great Britain might not feel the evils of dismemberment of so great an empire, and that America might realize how essential monarchy is to the enjoyment of constitutional liberty.

More than one hundred years have passed since that day in November, and while England may not have felt the evils of dismemberment, America has certainly not realized that monarchy is at all essential to the enjoyment of constitutional liberty. The flag of the

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Response to a Toast at the Tenth Annual Dinner of the Commandery of Ohio, Military Order of the Loyal Legion, Grand Hotel, Cincinnati, May 3, 1893.

United States is the emblem of a Republic, still prosperous, united and free.

It is most interesting to trace the history of the flag from the early colonial period. By the act of parliament ratifying the treaty of the two kingdoms of Scotland and England, January 16, 1707, it was formally prescribed that the crosses of St. Andrew and St. George should be conjoined and used in all flags, banners, standards and ensigns, both at sea and on land. The old Union flag of England had been in use with the colonies until the second day of January, 1776. The practice had been introduced into the continental army as early as July 23, 1775, of distinguishing the different grades by means of a stripe or ribbon, and on July 24, 1775, it was directed by an order from the headquarters of the army, at Cambridge, to distinguish the major from brigadier-general, that the major-general should wear a broad purple ribbon. A committee was also appointed by congress to consider the subject of a proper flag.

The flag then, which assumed something of a national character, was raised for the first time on January 2, 1776, at the camp in Cambridge, Massachusetts, in honor of the organization of the new continental army. The king's address had just been received in Boston, copies of which Lord Howe, the commander of the British forces, caused to be sent, by a flag of truce, to Washington, at Cambridge. When the Union flag, as it was then termed, was raised in the American camp, it was received with loud cheers and the discharge of artillery, so that the English troops imagined that it was the evidence of submission to the Sovereign.

Washington, in a letter dated at Cambridge, January 4, 1776, to his military secretary, says, that "We

are at length favored with a sight of His Majesty's most gracious speech, breathing sentiments of tenderness and compassion for his deluded American subjects; and farcical enough, we gave great joy to them, without knowing or intending it, for on that day, the day which gave being to the new army, but before the proclamation came to hand, we had hoisted the Union flag, in compliment to the United Colonies. But, behold! it was received in Boston as a token of the deep impression the speech had made upon us, and as a signal of submission."

In the British *Annual Register* for 1776 there is an account of the arrival of a copy of the King's speech, and how it was publicly burned, and that the colonists on that occasion changed their color from a plain red ground, which they had hitherto used, to a flag with thirteen stripes, as a symbol of the number and union of the colonies.

The flag raised that day was one of thirteen stripes —seven red and six white—with the crosses of St. George and St. Andrew in the upper corner. The coat-of-arms of the Washington family was composed of alternate red and white stripes, with blue stars above them. There had been an attempt for some time to combine the flag of the mother country with the colonial colors. In Trumbull's picture of the battle of Bunker Hill, General Putnam had placed upon the old red flag, in the place of the British Union, the flag of the Massachusetts cruisers, a white field with a green pine tree in the center.

It has been contended that the provincial army raised no flag at the engagement of Bunker Hill, while some say that there was simply a plain white sheet, and others that a standard, bearing upon the scanty sur-

face only a tree, was seen waving over the redoubt. Tradition, however, has handed down the fact that there was a flag, and a red one, which was displayed from the general's tent as the signal for battle. On Tuesday morning, July 18, 1775, the day after the battle, all the Continental troops, under the immediate command of General Putnam, assembled at Prospect Hill when the declaration of the continental congress was read, and the standard lately sent to General Putnam was unfurled, having the motto on one side, "An Appeal to Heaven," and on the other side, the words "*Qui transtulit, sustinet.*"

An extract from a letter of the captain of an English transport, written from Boston, January 17, 1776, speaks of having seen the rebels' camp in the distance, and that a little while ago their colors were entirely red. It is therefore reasonable to conclude that the flag borne at Bunker Hill, with the motto of Connecticut, "*Qui transtulit, sustinet*"—"He Who Transplanted, will Sustain"—and the motto, "An Appeal to Heaven," which was adopted from the closing paragraph of the address of the provincial congress of Massachusetts to their brethren in Great Britain, was the flag represented in Trumbull's painting.

The effort was made to embody the sentiment of Union, as was afterward seen in the old continental flag of thirteen stripes, and again the same flag is charged with a rattlesnake, signifying vigilance and union, with the words "Don't tread on me."

In 1754, when Benjamin Franklin was editor of the Philadelphia *Gazette,* an article appeared urging union among the colonies as a means of insuring safety from the attacks of the French. The article was embellished with a woodcut of a snake divided into parts, with the

initial of some of the different colonies in each part. In 1774-6, when union was urged among the colonies as a means of securing their liberties, the emblem was adopted by many of the newspapers, but it was changed into an united snake, with the initials of the different colonies left out. Franklin, in a letter from Philadelphia, dated December 27, 1775, says that he observed on one of the drums belonging to the marines then organizing the form of a rattlesnake, with the motto under it, "Don't tread on me." "As I know," continued the philosopher, "that it is the custom to have some device on the arms of every country, I suppose this may have been intended for the arms of America."

The flag presented to congress by Colonel Gadsden, and designated in words as the one "to be used by the commander-in-chief of the American navy," had a yellow field, with a lively representation of a rattlesnake in the middle, in the attitude of about to strike, and the words underneath, "Don't tread on me." Admiral Hopkins, the commander of the first American fleet that ever rode the ocean, bore this flag. This was the true naval flag, and was designated as the rattlesnake-union flag. It is said to have been the first ensign ever shown by a regular American man-of-war, and was raised in December, 1775, on board the Alfred, one of the fleet of Admiral Hopkins, by that gallant officer, John Paul Jones. Admiral Hopkins, with his fleet of five sail, fitted out at Philadelphia, and two more which were to join him at the Capes, in Virginia, being equipped in Maryland, proceeded to the British island of New Providence, West Indies, and took the governor prisoner.

Another flag, having the rattlesnake symbol, was the Culpepper flag, adopted as their standard by the Cul-

pepper minute men, who assembled in obedience to the call of Patrick Henry. They were dressed in green hunting shirts, with Henry's words, "Liberty or death," in large white letters on their bosoms.

The banner of the Morgan rifles was notable among the flags of the Revolutionary period. This officer accompanied Arnold across the Wilderness to Quebec, and distinguished himself at Stillwater, where Burgoyne was defeated, but achieved his greatest glory at the battle of the Cowpens. At the top, encircled in a wreath of laurel, was the date "1776;" beneath were the words "XI Virginia Regiment," while at the bottom were the further words "Morgan's Rifle Corps."

The flag of Moultrie, who made such a gallant defense of the fort at Sullivan's Island in 1776 is best explained in his "Memoirs:" "As there was no national flag at the time, I was desired by the council of safety to have one made, upon which, as the state troops were clothed in blue, and the fort was garrisoned by the first and second regiments, who wore a silver crescent on the front of their cape, I had a large blue flag made with a crescent in the dexter corner, to be uniform with the troops. This was the first American flag displayed in the south."

The nuns of Bethlehem prepared a banner of crimson silk, with designs beautifully wrought with the needle by their own hands, and sent it to Pulaski with their blessing. The poet Longfellow has immortalized the event in verse:

"Take thy banner; and beneath
The war-cloud's encircling wreath
Guard it—till our homes are free.
Guard it—God will prosper thee!

In the dark and trying hour,
In the breaking forth of power,
In the rush of steeds and men,
His right hand will shield thee then."

There was a distinct body of mounted men attached to the person of Washington, and commonly called the "Life Guard." It was organized in 1776, soon after the siege of Boston, and consisted of a major's command—one hundred and eighty men. The banner was of white silk, with the motto, "Conquer or die," on a ribbon over the top. Care was always taken to have all the states, from which the continental army was supplied with troops, represented in this corps.

These flags antedated the flag of the United States, which was formally adopted by a resolution of congress, June 14, 1777. The resolution declared that the flag of the United States should be thirteen stripes, alternate red and white; that the Union be thirteen stars, white in a blue field, representing a new constellation. This resolution, says Hamilton, was made public, September 3, 1777, and Colonel Trumbull represents the flag made in pursuance of it, and used at Burgoyne's surrender, October 17, 1777. This, however, was only giving sanction, in a measure, to the flag that had existed since 1775, with the exception of the blue Union, containing thirteen stars.

The first change occurred in 1794, when it was formally declared by congress that from and after the first day of May, Anno Domini one thousand seven hundred and ninety-five, the flag of the United States be fifteen stripes, alternate red and white: that the Union be fifteen stars, with a blue field. This was the national standard during the War of 1812-14, and

waved over the fields of Lundy's Lane and New Orleans, and was seen amidst the smoke of Perry's guns on Lake Erie.

There was another change on April 14, 1818, when it was declared that from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the Union be twenty stars, white and in a blue field; and that, upon the admission of a new state into the Union, a star be added to the Union of the flag, and that such addition shall take effect on the fourth day of July next succeeding such admission.

The banner which floated in triumph from the national palace of the haughty city of the Montezumas, and which told of the conquest of the Mexican empire, had thirty stars in the Union, while the flag which floats over a restored Union, as the emblem of its nationality, has forty-four stars in the Union.

It, too, is the flag of political toleration and freedom from religious prosecution. It is most significant that the last vessel which transported the Jews from Spain into exile because of political prejudice and religious belief, met the *Santa Maria,* the first of the fleet of Columbus, on the way to discover a new continent. Both vessels dipped their sails in salute as they passed on the boundless ocean, which spoke only of freedom. One was going to America, the home of free religious thought; it was filled with sunshine and hope and promise. The other was going to despair, and was filled with hate and bitterness and prejudice.

This flag, then, is worthy the best zeal and noblest affection; and what a glorious consciousness to have seen a million of men marshaled in its defense, and heard their shouts as they passed on in the ranks of

war; to have seen the flag of disunion go down in the dust, and the banner of glory again climbing to the high places, and to have heard the roar of victory mingling with the roar of the Mississippi to its mingling with the roar of the ocean. But all who gathered to its defense did not return.

The flag which young Van Arsdale pulled down at the foot of Broadway on that eventful day in November, 1783, represented the monarchical idea and the divine right of kings. The flag which he raised was the republican idea, and carried up with it the sublime truth that the sacred rightness which sanctifies the monarch is not so worthy of worship as the sacred rightness which sanctifies the man. That idea fought the war for the Union, which was the crowning glory of the century. Each succeeding year will witness the mighty results of that gigantic struggle, while generation after generation will honor and revere the men who raised their hands, whether on land or on sea, for the Republic and the honor of the flag.

The sun of our national prosperity will not go down while it is yet day. This nation was born for the whole era of liberty. Star after star will be added to the crowded galaxy of our flag, as we sing the same national songs and acknowledge a common destiny from the green hills of the Eastern States to the golden shores of the distant Oregon and California. The security of the Republic will be found in the love and respect and veneration of its citizens.

The poet, Wordsworth, uttered the heroic spirit, when, looking from a valley near Dover toward the

coast of France, while Bonaparte was in the zenith of his power, he exclaimed:

> "Even so doth God protect us, if we be
> Virtuous and wise. Winds blow and waters roll,
> Strength to the brave, and power and Deity,
> Yet in themselves are nothing. One decree
> Spake law to them, and said, that by the soul,
> Only, the nations should be free."

ABRAHAM LINCOLN

Castelar declares that when one man dies for the many instead of living for himself, he secures for his name the most glorious of transformations—martyrdom, and to his immortality the noblest of temples—the heart of the people. The glory of true martyrdom has been given to the name of Abraham Lincoln, for to the impressiveness of an eventful life has been added the magic and melancholy charm of an eventful death. It was necessary that America should read the history of this great life, not only with interest, but with emotion. Abraham Lincoln saw to it that we should read it with interest—Wilkes Booth saw to it that we should read it with tears. The statesman that has lived long enough to be compared with Washington should care for little beyond, and whether one die by the hand of violence in middle life, or by the decline of old age, is a question of less importance than whether the life, while it lasted, was useful to mankind or to his country.

It has been truly said that "Lincoln, indeed, fell in the prime of life; but that time for falling has been honored in the centuries. When the Roman statesman Pompey—called the Great—fell by the dagger of the assassin, he had journeyed two years beyond the period at which the dead president paused in his career. When Cæsar fell bleeding, he was just as far from his mother's arms as was Lincoln on that fatal Friday night. When Henry IV. of France, the best king

Delivered in Dayton, Ohio, February 15, 1894.

France ever had, was stabbed to the heart in his carriage, he was only two years older than the martyred president. When William, Prince of Orange, received the assassin's balls in his bosom and cried out, 'Oh, God, pity me and my country,' nature had not been so kind to him by three years as to that man who, on the fourteenth of April, 1865, dropped his head silently upon his bosom in death."

Abraham Lincoln was identified with the greatest crisis of the age. He represented neither aggressive war, nor the overthrow of a dynasty, but the sublime idea that the unity of the Republic must be maintained. This idea, which involved home and family and society, was successful on the field of battle, and his name will go ringing through the generations. The Rebellion of 1861, whether viewed in its colossal proportions, or the imaginary evils that produced it, or the just and complete form of government sought to be overthrown, forms one of the most extraordinary chapters in human history. Perhaps the pen of the historian cannot even now write dispassionately of this great struggle, but we do know that the North and the South were at length arrayed against each other in two great political parties on the great question of human servitude. When we had achieved our independence of Great Britain, and our fathers assembled to lay the fabric of the new government, they were at once confronted with the question of slavery, and right in the face of the declaration of independence, by which the war of the Revolution was justified, human slavery, from the very force of circumstances, was accepted and recognized as an element in this Republic. It was hoped, however, that it would gradually disappear, under the benign influence of free institutions and the overwhelm-

ing advantages of free labor. Nor, does it require the spirit of prophecy to-day to predict that whenever east or west, or north or south, shall now, or hereafter, stand arrayed against each other in hostile political parties, the peace of the Republic will be threatened. It was in view of this possible calamity that Washington in his farewell address admonished his countrymen, that in contemplating the causes that may disturb the Union, it was a matter of serious concern that any ground should be furnished for characterizing parties by geographical discriminations, northern and southern, Atlantic and western, whence designing men might endeavor to excite a belief that there is a real difference of local interests and views. During these years of increasing excitement and danger to the Republic, though the general government stood uncommitted to either section of the country, the states, north and south, in their sovereign capacity, legislated on sectional lines, and intensified the hatred, the end of which every patriotic citizen contemplated with horror.

It may be interesting to gather some idea of the moral and physical surroundings of Lincoln's earlier days. It is only necessary for our people to carry their memories back fifty years, in order to have a lively conception of that peculiar body of men, which for many years was pushed out to the front of civilization in the West.

The great victory of Wolfe over Montcalm was achieved on September 4, 1759. It was less than fifty years after that historic day in September that Abraham Lincoln was born in Kentucky. The domestic surroundings amid which the babe came into the world were not inviting. Many of the Lincoln biographers have been much concerned to color this truth, which

he himself, with his honest nature, was never willing to misrepresent, however much he resisted efforts to give it a general publicity. He met curiosity with reticence, but with no effort to mislead. It has been said that the family was imbued with the peculiar, intense, but unenlightened form of Christianity, mingled with the curious superstition prevalent in the back woods, and begotten by the influence of the vast wilderness upon illiterate men of a rude native force. It interests scholars to trace the evolutions of religious faiths, but it might not be less suggestive sometimes to study the retrogression of religion into superstition. His father was as restless in matters of creed as of residence, and made various changes in both during life.

In the second year after his marriage, Thomas Lincoln, the father, made his first removal. Four years later, he made another, while two or three years later, in the autumn of 1816, he abandoned Kentucky and went to Indiana. On October 5, 1818, his mother, Nancy Lincoln, passed away, and was interred in a rough coffin, fashioned by her husband, "out of green lumber cut with a whipsaw." She was laid away in the forest clearing, and a few months afterward an itinerant preacher performed some religious rites over the humble grave of the mother of one of the great figures in history.

His biographers, Herndon and Lamon and Holland, say that the sum of all the schooling which he had in his whole life was hardly one year, but he laid hands upon all the books he could find, and read and re-read them until they were absorbed. Nicolas and Hay give the list: The *Bible*, *Æsop's Fables*, *Robinson Crusoe*, *Pilgrim's Progress*, Weems' *Washington*, and a *His-*

tory of the United States. He was doubtless much older when he devoured the Revised Statutes of Indiana in the office of the constable. Dr. Holland adds *Lives of Henry Clay* and of *Franklin* (probably the famous autobiography), and Ramsay's *Washington*, while Arnold names *Shakespeare* and *Burns.* It was not a large collection of books, but it was a nourishing collection. He used to write and do sums in arithmetic on the wooden shovel by the fireside, and then shave off the surface in order to renew the labor.

In February, 1825, his father, with the scanty household wares packed in an ox-team, began a march which lasted fourteen days, and entailed no small measure of hardship. He finally stopped at a bluff on the north bank of the Sangamon, a stream which empties into the Ohio. Abraham assisted in clearing ten or fifteen acres of land, split the rails and fenced it, planted it with corn and made it over to his father as a sort of bequest at the close of his term of legal infancy.

He then went south with a cargo of hogs, pork and corn to New Orleans, and it is related that this visit first gave him a glimpse of slavery, and that the spectacle of negroes in chains and of a slave auction implanted in his mind an unconquerable hatred toward the institution. It is true that he refers to a trip made in 1841, when there were on board ten or a dozen slaves shackled together with irons. In writing of this incident some fourteen years later, to his friend, Joshua Speed, he says, "That sight was a continual torment to me, and I see something like it every time I touch the Ohio or any other slave border. It is not fair for you to assume that I have no interest in a thing which has,

and continually exercises, the power of making me miserable." John Hanks asserts that Lincoln exclaimed to him at that time, "If I ever get a chance to hit that thing, I'll hit it hard."

In the spring of 1832, a noted chief of the Sacs led a campaign of such importance that it lives in history as the "Black Hawk War." The red man was retiring sullenly before the advance of the white civilization, but still the Indians gathered in such numbers that Governor Reynolds issued a call for volunteers to aid the national force. Lincoln at once enlisted, and three-fourths of the company to which he belonged ranged themselves with him and elected him captain. No other success in life, he often remarked, had given him so much pleasure as this triumph. This company was attached to the Fourth Illinois Regiment, commanded by Colonel Samuel Thompson, in the brigade of General Samuel Whiteside. They started for the scene of action on the twenty-seventh of April, and on the twenty-seventh of May following, they were mustered out of service. Lincoln and some other officers re-enlisted as privates in the "Independent Spy Battalion of Mounted Volunteers." It is a singular fact that his certificate of discharge was signed by Robert Anderson, who was in command of Fort Sumter at the outbreak of the Rebellion.

There is neither the time nor is this the occasion to follow Mr. Lincoln in his career in the legislature of Illinois and in the congress of the United States. Those who were born of the people, among whom Lincoln belonged, were peculiar in having no reminiscences, whereby to modify the influences of the immediate present. An important trait of these western communities was the closeness of personal intercourse

in them, and the utter lack of any kind of barriers establishing strata of society.

Some of the most picturesque and amusing pages of Ford's *History of Illinois* describe the condition of the bench and the bar at these times. The judge sometimes sat on the bed in the log cabin, and there, really from the woolsack, adminstered "law" mixed with equity as best he knew it. Usually these magistrates were prudent in guiding the course of practical justice, and rarely summed up the facts lest they should make dangerous enemies, especially in criminal cases; they often refused to state the law, and generally for a very good reason. They liked best to turn the whole matter over to the jurors, who doubtless "understood the case and would do justice between the parties." The books of the science were scarce, and lawyers who studied them were probably scarcer. But probably substantial fairness in the administration of the law did not suffer by reason of lack of the college diploma.

His chief trait all his life and amidst all these surroundings was honesty of all kinds and in all things: not only commonplace, material honesty in dealings, but honesty in language, in purpose, in thought: *honesty of mind,* so that he could never practice the most tempting of all deceits — a deceit against himself. This pervading honesty was the trait of his identity, which stayed with him from the beginning to the end, when other traits seemed to be changing, appearing or disappearing, and bewildering the observer of his career. All the while the universal honesty was there. But the chief educational influence on Abraham Lincoln was to be formed in the Anglo-American passion for an argument and a speech. Law and politics, hand in

hand, moved among the people, who had an inborn and an inherited taste for each. Abraham Lincoln soon turned to them, because they appeared to him as the highest callings which could tempt intellect and ambition.

The pre-eminently striking feature, however, in Lincoln's nature, was the extraordinary degree to which he always appeared to be in close and sympathetic touch with the people. He first appeared to the people of a frontier settlement; it then widened to include the state of Illinois; it then reached to the people of the entire north; and now there are those who believe that he would have welded, had he lived, the entire sentiment of once alienated countrymen into the solidified idea of a united Republic.

It is said of Abraham Lincoln that he had a tendency to gloom, and that the horizon of his life was always clouded with the shadow of a darkness through which the sun never shone. It is seen to-day in his face, and it was always felt in his manner, and all will testify that his pictures still present it. It is well known that the coarse and rough side of pioneer life had its reaction in a reserved habit, nearly akin to sadness, at least in those frequenting the wilderness; it was the expression of the influence of the vast and desolate nature amid which they passed their lives. It is true that Lincoln was never a backwoodsman in that sense of the term, yet these influences were about him, and his disposition was sensitive and sympathetic for that purpose. The sense of fate, which the grandeur of the Greek tragedies so powerfully expresses, comes to us all to-night, when we contemplate the strange cloud which never left this man, and makes his fate the more striking and mysterious. No one can look

into that sad face to-day without being impressed with the idea that the clouds have more gloom than sunshine.

Abraham Lincoln believed it to be the armed purpose of secession to establish on an enduring foundation a permanent slave empire, and he declared with supreme emphasis that slavery was not safe within the Union. Underneath the magnificent fabric of the United States of America lay, logically, the question of slavery. It was the superlative question whether a nation can, by force, preserve its own integrity. It was simply whether six millions of people had a right to base a revolution upon the degradation of man. He gave war more than a character for patriotism; he gave it a character for humanity. He made it a war, not for the United States alone, but a war for mankind, a war for the people, a war for the ages yet to come. He looked upward with an unfailing confidence that civil war must become intelligible to the end that its finished proportions and its relationship meant the fatherhood of God and the brotherhood of mankind. He had perfect confidence in the ultimate triumph of truth; he was always willing to tie to it, according as he could see it, and then he was willing to abide by it. Blaine, in his *Twenty Years in Congress* said: He loved the truth for the truth's sake. He would not argue from a false premise, or be deceived himself, or deceive others, by a false conclusion. * * * He did not seek to say merely the thing which was best for that day's debate, but the thing which would stand the test of time, and square himself with eternal justice. * * * His logic was severe and faultless. He did not resort to fallacy. There was never a more truthful utterance made by

living statesman than when Abraham Lincoln declared in his debate with Douglass that the proposition that slavery could not enter a new country without police regulations was historically false; and that the facts of the Dred Scott case itself showed that there was 'vigor enough in slavery to plant itself in a new country even against unfriendly legislation. It is the eternal struggle between the two principles of right and wrong. These two principles have stood face to face from the beginning of time, and will continue to struggle. The time is soon coming when the sun shall shine, the rain fall, on no man who shall go forth to unrequited toil. How this will come, and when this will come, no man can tell—but that time will surely come.' ''

In his inaugural address, Mr. Lincoln showed his great appreciation of the situation. He dwelt with unerring judgment upon the absorbing question of the Union of the states. It was the only real great service that could be rendered his country at that time. He had for many years anchored, with unerring accuracy, to anti-slavery; now, in the face of the entire nation, he anchored to the Union with supreme affection.

No one can read the first inaugural address of President Lincoln without being profoundly impressed with his pacific policy. He endeavored to show that the rebellion was without adequate cause, and left no way untried to secure an honorable peace. He had a warm and devoted affection for the Federal Union. Never in the history of the government, have the affairs of the high office of president of the United States been administered with such direct reference to the will of God, and the everlasting principles of justice and

righteousness. Standing above the loose morality of party politics, standing above the maxims and conventionalisms of statesmanship, trusting the people, leaning upon the people, and inspired by the people, who in their homes and in their sanctuaries gave him their confidence, the administration of Abraham Lincoln stands out in history as the most magnificent exhibition of a Christian democracy the world has yet seen.

In his appeal to the people, he says, "Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the Almighty Ruler of nations, with His eternal truth and justice be on your side of the north, or on yours of the south, that truth and that justice will surely prevail by the judgment of the great tribunal, the American people. By the frame of the government under which we live, this same people have wisely given their public servants but little power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme wickedness or folly can very seriously injure the government in the space of four years.

"My countrymen, one and all, think calmly and well upon the whole subject. Nothing valuable can be lost by taking time.

"If there be an object to hurry any of you, in hot haste, to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it.

"Such of you as are dissatisfied still have the old

constitution unimpaired, and, on the sensitive point, the law of your own framing under it: while the new administration will have no immediate power if it would to change either.

"If it were admitted that you who are dissatisfied hold the right side in the dispute, there is still no single reason for precipitate action. Intelligence, patriotism, Christianity, and a fair reliance on Him who has never forsaken this favored land, are still competent to adjust in the best way, all our present difficulties.

"In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you.

"You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to 'preserve, protect and defend it.'

"I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break the bonds of affection.

"The mystic cords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as they surely will be by the better angels of our nature."

These words of tenderness and affection went unheeded. The war came.

When Charles James Fox heard of the destruction of the Bastile, he declared in his enthusiasm that it was the grandest and noblest achievement of the age. History might adopt the language of the great English orator over the destruction of American slavery.

The Proclamation of Emancipation involved the liberty of four millions of people and of millions unborn: it changed the policy of the government and the course and character of the war; it revolutionized the social institutions of more than one-third of the nation, and brought all the governments of Christendom into new relations to the rebellion. It is not strange that he should have invoked on this act the considerate judgment of mankind, and the gracious favor of Almighty God.

Motley, in his "*Rise of the Dutch Republic*," tells us that William the Silent was buried amidst universal tears and lamentations, because he had conquered liberty for an entire people. Lincoln, too, will live in the gratitude of the oppressed whose wrongs he made his own.

> "Weep not for him! The Thracian wisely gave
> Years to the birth-couch, triumph to the grave,
> Weep not for him! Go mark his high career;
> He knew no shame, no folly, and no fear.
> Nurtured to peril, lo! the peril came
> To lead him on from field to field, to fame.
> Weep not for him whose lustrous light has known
> No field of fame he has not made his own."

The second inaugural address of President Lincoln showed no touch of resentment, but a patriotism that comprehended the whole country and a profound confidence in an over-ruling Providence. The war was still in progress, but there was no longer any doubt in the hearts of the people that the government would be triumphant. He had accomplished the greatest work for his country and for mankind that had ever been committed to a mortal to perform. A great na-

tion had been saved from wreck by his hands: a race had been disenthralled by his word and his policy, and a popular government had been established in the faith and affections of the people, and in the respect of the governments of the world.

"The progress of our arms," said the president, "upon which all else chiefly depends, is as well known to the public as to myself: and it is, I trust, reasonably satisfactory and encouraging to all, with high hope for the future, no prediction in regard to it is ventured."

"On the occasion corresponding to this, four years ago, all thoughts were anxiously directed to an impending Civil War. All dreaded it; all sought to avoid it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war; but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish; and the war came.

* * * * * * * * * * *

"Both read the same Bible and pray to the same God, and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces: but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes.

* * * * * * * * * * *

"Fondly do we hope, fervently do we pray, that the mighty scourge of war may soon pass away.

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and orphans, to do all which may achieve a lasting peace among ourselves and with all nations."

Every cloud had disappeared from the heavens, while a very sun of Austerlitz irradiated earth and sky while these immortal words were uttered. This happy augury was also accompanied by the almost simultaneous appearance of a bright star in the Heavens, which attracted universal attention. It was the star of the Republic.

With the soldiers who were fighting the battles of the country, he had the deepest sympathy, and whenever he was congratulated on a success in the field, he always alluded gratefully to the men who had won it. Indeed, there has never been a more eloquent tribute to the cause and to the men who fought for that cause than the oration of President Lincoln at Gettysburg. It has not been equaled since the oration of Pericles on those who fell in the Pelopennesian War.

"Four score and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met in a great battlefield of that war. We have come to dedicate a portion of that field as a final rest-

ing place for those who here gave their lives that the nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here; but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion: that we here highly resolve that these dead heroes shall not have lived in vain: that this nation, under God, shall have a new birth of freedom, and that the government of the people, by the people and for the people shall not perish from the earth."

Men of the United States of America, no more sacred trust has ever been committed to humanity than to preserve this fabric of constitutional government, saved by such heroic sacrifices, for the generations of the future.

It was my fortune to walk the streets of Richmond by the side of Abraham Lincoln on the Monday following the evacuation. He came up from the City Point in a man-of-war, and landed at the Rochetts below the city, and rode up the remaining mile in a boat. He passed through the streets of the fallen capital on foot, and with no guard except the sailors who had rowed him up the James River. As he passed the capitol building of the once proud Confederacy, his

eye lighted up as he beheld the flag of the United States floating in triumph. What a glorious consciousness to have seen a million of men marshaled in its defence and heard their shouts as they passed onward in the ranks of war: to have seen the flag of dis-union go down in the dust, and the banner of glory climbing again to the high places: to have seen vast armies picked up on the banks of the Potomac and dropped on the banks of the Cumberland and the Tennessee and to have at last heard the roar of victory mingling with the roar of the Mississippi, even to its mingling with the roar of the ocean. His motives were vindicated, his policy had been sanctioned and his power had been proved.

The hand of the assassin had struck him when I next saw that kindly face. We quote language descriptive of the scene: "The great East Room of the Executive Mansion was shrouded in black. Every window was darkened with many folds of crape: every pilaster was covered: the great mirrors were bordered with black: the chandeliers hung in festoons of mourning: the dim, religious light was still further broken by the hushed crowds of solemn spectators gathered from all the high places of the land. In the center stood the lofty catafalque beneath whose sombre arches rested all that remained of the man who decreed emancipation to the slaves. It was plain enough that he who lay thus calmly here was sleeping his last sleep. Around the coffin lay masses of flowers: at the head stood a cross of flowers: at the foot was an anchor: on the breast lay a chaplet of leaves. To these tender evidences of affection was added whatever gorgeous trappings of solemn woe the wealth of a sorrowing nation could bestow. Generals and admirals gathered on the portico

of the east front of the Capitol. The president, the diplomatic corps, the chief justice and the cabinet had entered the vast rotunda—the fane of the Republic—and slow paced bearers moved up the stately steps, and by the statues and under the columns, till they placed the coffin beneath the Statue of Freedom, and within the circle of historic paintings that mark the origin and progress of the nation."

A great President moved from the Capitol to the grave, exchanging life for death, but above the Capitol and the grave is God, beautiful in his power and in his everlasting peace. Moses and Aaron sunk in death in mountain solitudes, their eye having caught only fading visions of the promised land: but with their leaders cold in death the nation went on over Jordan and encamped on that lovely land. It was not God that had died in Pisgah,—it was Moses and Aaron. When an earthly voice becomes silent, there yet remains the everlasting voice, sometimes awful in the thunders of its judgments, but indescribably sweet in its whisperings of love.

There is left to us a country in which the prairies of the West are bound to the vales of the Potomac by another Mt. Vernon in the waving grass of Illinois. He that called so many young men to the battlefield was no doubt willing that his own body should lie down with theirs, and the soldier's grave is made sweeter that by his side sleeps one so kind, so honest, so illustrious.

GENERAL ANTHONY WAYNE AND THE BATTLE OF FALLEN TIMBERS

In April, 1792, Anthony Wayne was appointed by President Washington, commander-in-chief of the army of the United States. The position to which he was called, under the circumstances, required military and diplomatic skill of the highest order. It seemed that the government was about to become involved in an interminable war with the Indians of the North West, while hostilities with Great Britain appeared inevitable, because of the refusal to comply with certain articles of the Treaty of 1783, and especially that which provided for the evacuation of the forts in the Territory northwest of the Ohio River.

The first step to be taken was the re-organization of the army, since the troops under St. Clair had been almost annihilated and completely demoralized. The army was to be known as the "Legion of the United States," and was to consist of one major-general, four brigadier-generals and their respective staffs, the "necessary number of commissioned officers," and five thousand, one hundred and twenty non-commissioned officers and privates. The secretary of war at parting with General Wayne, in May, 1792, "expressly enjoined upon him that another defeat would be inexpressibly ruinous to the reputation of the govern-

Delivered on the Battlefield, August 20, 1894, on the Centennial Anniversary of the Battle of Fallen Timbers under the Auspices of the Maumee Valley Monumental Association.

ment;" while the only request made by the commander-in-chief was that the campaign should not begin until the legion was filled up and properly disciplined.

General Wayne went to Pittsburg in June, 1792, for the purpose of recruiting and organizing his army. During the summer and winter efforts were made to ascertain whether the Indians were willing to negotiate, until at last it was determined that the only way to protect the frontiers, and make possible the safety and security of the settler, was to advance into the Indian country and bring them into submission by the strong arm of military power. Toward the close of the summer he moved his camp to a position on the Ohio River about twenty-seven miles below Pittsburg, and there remained during the winter in striving to conciliate the Indians, but in the meantime giving strict attention to the recruiting and disciplining of his army. At the close of March the force consisted of about two thousand, five hundred men; and he writes that "The progress that the troops have made both in manoeuvering and as marksmen astonished the savages on St. Patrick's Day: and I am happy to inform you that the sons of that saint were perfectly sober and orderly, being out of the reach of whisky, which *baneful poison* is prohibited from entering this camp except as the component part of a ration, or a little for fatigue duty or on some extraordinary occasion." In May, 1793, he moved his camp to Fort Washington, the present site of Cincinnati. In the preceding January the general had been told by the secretary of war that the "sentiments of the citizens of the United States are adverse in the extreme to an Indian war; and even a commission had been named to treat with the Indians in the hope of securing peace. The secretary of war

again assured him that it was still more necessary than heretofore that no offensive operations be taken against the Indians. Still General Wayne spared no effort in further securing the efficiency of his army, and he even sent to Kentucky for mounted volunteers.

The dreadful loss of life in St. Clair's defeat of November 4, 1791, greater even than that in the defeat of Braddock, did not by any means represent the disastrous results of that campaign. It opened an unprotected frontier of one thousand miles from the Allegheny Mountains to the Mississippi River to the depredations of the victorious savages. The settlers along the borders were abandoning their homes, or awaiting in helpless despair the burnings and massacres and cruelties of an Indian war. This feeling of insecurity extended even beyond the borders of Pennsylvania and Virginia and the people petitioned their governors for protection. The settlers withdrew into their strong places and kept watch as militia for the protection of their homes. Such agricultural pursuits as were carried on required men with guns at hand as well as axes and hoes. Winthrop Sergeant, commanding the militia in the absence of Governor St. Clair, felt called upon to issue an order or proclamation as to assembling for public worship without arms. It is dated Cincinnati, September 18, 1792, and declares that the practice of assembling for public worship without arms may be attended with most serious and melancholy consequences. It presents the opportunity to an enemy of the smallest degree of enterprise to effect such fatal impression upon an infant settlement as posterity might long in vain lament.

The laws of the Territory then provided that every

man enrolled in the militia should, upon such occasions, arm and equip himself as though he were marching to engage the enemy, or in default should be fined in the sum of one hundred cents, to be levied upon complaint made to any justice of the peace. General Wilkinson, on the very day after the engagement at Fort St. Clair, wrote to Governor St. Clair from Fort Washington, in which he alluded to the impending storm. It may well be said that when General Wayne reached the Northwestern Territory he was confronted with a condition and not a theory.

In the same year, October, 1792, a great council of all the tribes of the North West was held at Au Glaize —now Fort Defiance. It was the largest Indian Council of the time. The chiefs of all the tribes of the North Western Territory were there, as well as the representatives of the Seven Nations of Canada. Cornplanter was present—the same famous chief who, at the table of General Wayne, at Legionville, in 1793, said: "My mind is upon that river;" pointing to the Ohio, "may that water ever continue to run, and remain the lasting boundary between the Americans and Indians on the opposite side." The question of peace or war was long and earnestly discussed. It was finally agreed that they would lay the bloody tomahawk aside until they heard from the president of the United States, when the message would be sent to all the different nations. It was further agreed that they would attend the council at the Rapids of the Miami—Maumee —next spring to hear all that would take place.

This armistice or cessation of hostilities which the Indians then promised to respect until spring, as will be observed, was not faithfully kept. It must be said to the credit of our government that even the viola-

tion of the armistice, with other hostilities, did not prevent the United States from taking measures to meet the hostile tribes "at the Rapids of the Miami, or Maumee," when the leaves were fully out; and for this purpose Benjamin Lincoln, Beverly Randolph and Timothy Pickering were appointed as commissioners to attend the proposed council, which it was finally concluded should be held at Sandusky.

The declaration of Cornplanter that the Ohio river should be the boundary rendered useless any further attempts at pacification by treaty. Indeed the hostile manner in which they were received, as well as continued depredations, made war inevitable. Colonel Harden and Major Trueman, who were the bearers of a message of this character, were barbarously murdered by the Indians to whom they were sent, while in the other the terms of the government were decidedly rejected, after negotiations had been protracted until the enemy felt himself better prepared for the conflict which must follow. The correspondence of General Wayne in the conduct of the campaign from the very beginning evinces great strength and soundness of judgment, as well as a knowledge of the people of the frontiers whom he was to defend and of the foes whom he was commissioned to subdue.

In September, 1793, the secretary of war writes to General Wayne: "Every offer has been made to obtain peace by milder terms than the sword: the efforts have failed under circumstances which leave nothing for us to expect but war. Let it therefore be again, and for the last time, impressed deeply upon your mind, that as little as possible is to be hazarded, that your force is fully adequate to the object you purpose to effect, and that a defeat at the present time, and

under the present circumstances would be pernicious in the highest degree to the interests of the whole country."

General Wayne, in reply to the secretary of war, wrote on the fifteenth of October, 1793, from his camp, "Hobson's Choice," near Cincinnati: "I will advance to-morrow with the force I have in order to take up a position in front of Fort Washington, so as to keep the enemy in check by exciting a jealousy and apprehension for the safety of their women and children, until some favorable circumstance or opportunity may present to strike with effect. I pray you not to permit present appearances to cause too much anxiety either in the mind of the president or yourself on account of this army. Knowing the critical situation of our infant nation, and feeling for the honor and reputation of the government (which I will support with my latest breath), you may rest assured that I will not commit the legion unnecessarily. Unless more powerfully supported than I have reason to expect, I will content myself with taking a strong position in advance of Fort Jefferson, and by exerting every power to endeavor to protect the frontier and secure the posts and the army during the winter; or until I am favored with your further orders."

The army of General Wayne, some twenty-five hundred strong, began its forward movement in the Wilderness on the seventh day of October, 1793. The army marched to Fort Hamilton and finally encamped at a post six miles in advance of Fort Jefferson and eighty miles distant from Cincinnati, which was named Greenville in honor of General Nathaniel Greene, with whom he served in the war of the Revolution. General St. Clair crossed the Big Miami at Fort Hamilton,

while General Wayne crossed the river some distance above the Four Mile Creek. Lieutenant Lowry, in command of a detachment to secure a convoy of supplies, was attacked October 17, 1793, by Little Turtle, at Ludlow Spring, about seven miles from Fort. St. Clair. Lieutenant Lowry was killed, with some thirteen non-commissioned officers and privates, while not less than seventy horses were taken by the Indians.

The report of this engagement by General Wayne is most significant. It will be remembered that the disaster to the army on November 4, 1791, had filled the whole country with sorrow, and much criticism was provoked by the result of the campaign. The public mind was sensitive and the commanding general realized that hostile criticism might magnify the attack and its results. The secretary of war, too, was not without some apprehension as to the result of the campaign. General Wayne accordingly hastened to report the action to General Knox, secretary of war, in a letter dated "Camp, southwest branch of the Miami, six miles advanced of Fort Jefferson, October 23, 1793." He was then at Fort Greenville and the southwest branch of the Miami is Greenville Creek. The report says: "The greatest difficulty which at present presents, is that of furnishing a sufficient escort to secure our convoy of provisions and other supplies from insult and disaster, and at the same time retain a sufficient force in camp to sustain and repel the attacks of the enemy, who appear desperate and determined. We have recently experienced a little check to our convoys which may probably be exaggerated into something serious by the tongue of fame, before this reaches you. The following, however, is the fact, viz: Lieutenant Lowry, of the second Sub-

Legion, and Ensign Boyd, of the first, with a command consisting of ninety commissioned officers and privates, having in charge twenty wagons belonging to the quarter master general's department, loaded with grain, and one of the contractor's wagons loaded with stores, were attacked early in the morning of the seventeenth instant, about seven miles advanced of Fort St. Clair, by a party of Indians. These gallant young gentlemen, who promised at a future day to be ornaments to their profession, together with thirteen non-commissioned officers and privates bravely fell, after an obstinate resistance against superior numbers, being abandoned by the greater part of the escort upon the first discharge. The savages killed or carried off about seventy horses leaving the wagons and stores standing in the road, which have all been brought into the camp without any other loss or damage except some trifling articles."

Those who fell in that engagement were buried in Fort St. Clair, where, after resting for more than forty years, they were taken up and re-interred with the honors of war on the fourth day of July, 1846. The remains of this gallant officer and his men were afterwards removed to the mound in the cemetery at Eaton, where, as the inscription tells, a monument "marks their resting place, and will be a monument of their glory for ages to come."

General Wayne passed the winter of 1793-4 at Fort Greenville, and without any communication with the government at Philadelphia for months. He was left to his own resources. Convoys of provisions for the camp were frequently intercepted, as under Major Lowry, and their escort murdered by the savages. In December, 1793, General Wayne sent forward a de-

tachment to the spot of St. Clair's defeat. The command arrived on the ground on Christmas day and pitched their tents on the battlefield. After the melancholy duty of burying the bones remaining above the ground, a fortification was built and named Fort Recovery, in commemoration of the recovery of the ground from the Indians who had held possession since 1791. One company of artillery and one of riflemen were left for the defense of the fort while the rest of the command returned to Fort Greenville. In January, 1792, General James Wilkinson, who then commanded at Fort Washington, made a call for volunteers to accompany an expedition to the scene of St. Clair's defeat for the purpose of burying the dead. Ensign William Henry Harrison was attached to one of the companies of the regular troops. It is said that the body of General Richard Butler, the friend and comrade of General Wayne in the war of the Revolution, was recognized where the carnage had been the thickest, and among a group of the slain. The bodies were gathered together, and in the solitude of the forest, and amidst the gloom of winter, were given a last resting place.

While the army of General Wayne was encamped at Fort Greenville there was a severe and bloody engagement under the very walls of Fort Recovery. This occurred on the thirtieth of June, 1794, between a detachment of American troops, consisting of ninety riflemen and fifty dragoons commanded by Major McMahon and a numerous body of Indians and British. The assaulting party was repulsed with a heavy loss, but again renewed the attack and kept up a heavy and constant firing during the whole day. The enemy renewed the attack the next morning after the detach-

ment of Major McMahon had entered the fort and continued with desperation during the day, but was finally compelled to retreat from the very field where such a decisive victory had been achieved by the Indians on November 4, 1791. From the official report of Major Mills, adjutant-general of the army, it appears that twenty-two officers and non-commissioned officers were killed and among the number was Major McMahon. The loss of the enemy was very heavy but was not fully known until disclosed at the treaty of Greenville. Burnet, in his *Notes on the North Western Territory*, says that there could not have been less than fifteen hundred warriors engaged, while it was satisfactorily ascertained that a considerable number of British soldiers and Detroit militia acted with the savages in that engagement. Jonathan Alden gives in his manuscript autobiography an account of the attack on the fort and says that Simon Girty was in the action.

General Wayne having been reinforced by sixteen hundred mounted men from Kentucky, on July 26th, under the command of Major-general Scott, with whom he had served at the battle of Monmouth, left the encampment at Fort Greenville on the twenty-eighth of July, 1794, and advanced seventy miles northward into the heart of the Indian country. He built a fort at Grand Glaize, the junction of the Auglaize and the Maumee (Le Glaize and the Miami of the Lakes) rivers and proceeded to build Fort Defiance. General Wayne sent a message from Fort Defiance to the Indians along the Maumee on August 13, 1794. He offered them peace and invited them to send representatives to meet him in council and negotiate upon such terms as would protect their families and themselves. Little Turtle who had always been first in battle counseled

peace, and advised the tribes, but his counsels were rejected: "We have beaten the enemy every time under separate commanders," said Little Turtle in a speech, "but we cannot expect the same good fortune always to attend us. The Americans are now led by a chief who never sleeps. The night and the day are alike to him, and during all the time he has been marching on the villages, notwithstanding the watchfulness of our young men, we have never been able to surprise him. Think well of it! There is something whispers to me it would be prudent to listen to the offers of peace."

The army moved forward on the fifteenth of August and on the eighteenth took a position at the head of the rapids and there established a magazine of supplies and baggage, which was called Fort Deposit. In the meantime, August 16th, the commissioner sent by General Wayne returned with the message that if General Wayne would remain at Grand Glaize they would decide for war or peace. Wayne was well advised of the movements of the enemy. Unlike St. Clair, he knew full well that Little Turtle with two thousand dusky warriors was only waiting for an opportunity to attack, while his line of communication with the Ohio river was secure by means of the complete chain of Forts – Fort Defiance, Fort Adams, Fort Recovery, Fort Greenville, Fort Jefferson, Fort St. Clair, Fort Hamilton and Fort Washington.

The day before the battle of "Fallen Timbers" a council of war was called and a plan of march and battle submitted by Lieutenant William Henry Harrison was adopted. This officer was then but twenty-one years of age, and the military judgment of the

subaltern manifested itself as general in chief nineteen years afterwards in the same Maumee Valley.

Two thousand Indians and Canadian volunteers, on the twentieth of August, 1794, attacked the advance of the army of General Wayne from behind trees prostrated by a tornado. The troops pressed forward with great energy and drove the enemy toward the guns of Fort Miami and the waters of the Maumee Bay. The victory was complete. General Wayne remained below the rapids with his victorious army for three days while he destroyed every product of the field and garden above and below the British fort, and even committed to the flames the extensive store houses and dwelling of Colonel Alexander McKee, the British agent, who had done so much to incite the Indians to hostility. The loss of the Americans in the engagement was thirty-three killed and one hundred wounded, including five officers among the killed, and nineteen wounded. General Wayne, after the engagement of Fallen Timbers was known among the Pottawatomies as "The Wind" because, as they said, at the battle on the twentieth of August he was exactly like the hurricane which drives and tears everything before it. He was known as "The Blacksnake" among other tribes.

The official report of the engagement by General Wayne was dated Grand Glaize, August 28, 1794. It contains a detailed account of the movements and is interesting in that it contains exact historical information. After speaking of the march of the army from Fort Defiance on the fifteenth of August, and the arrival at Roche de Bouf on the eighteenth instant, and the work of the nineteenth in making a temporary post for the reception of stores and baggage and in recon-

noitering the position of the enemy, the report proceeds: "At eight o'clock on the morning of the twentieth the army again advanced in columns agreeably to the standing order of march: the legion on the right flank covered by the Miamis, one brigade of mounted volunteers on the left under Brigadier-general Todd, and the other in the rear under Brigadier-general Barbee: a select battalion of mounted volunteers moved in front of the legion commanded by Major Price who was directed to keep sufficiently advanced, so as to give timely notice to form in case of action—it being yet undetermined whether the Indians would decide for peace or for war.

"After advancing about five miles Major Price's corps received so severe a fire from the enemy, who were secreted in the woods and in the high grass, as to compel him to retreat. The legion was immediately formed in two lines principally in a close thick wood which extended for miles on our left and for a very considerable distance in front, the ground being covered with old fallen timber, probably occasioned by a tornado, which rendered it impracticable for cavalry to act with effect, and afforded the enemy the most favorable covert for their savage mode of warfare. They were formed in three lines within supporting distance of each other and extending nearly two miles at right angles with the river. I soon discovered, from the weight of their fire and the extent of their lines, that the enemy were in full force in front, in possession of their favorite ground, and endeavoring to turn our left flank. I therefore gave orders for the second line to advance and support the first; and directed Major-general Scott to gain and turn the right flank of the savages, with the whole of the mounted volunteers,

by a circuitous route; at the same time ordered the front line to advance and charge with trailed arms and rouse the Indians from their coverts at the point of the bayonet, and when up, to deliver a close and well directed fire on their backs, followed by a brisk charge, so as not to give them time to load again.

"I also ordered Captain Campbell, who commanded the legionary cavalry, to turn the left flank of the enemy next the river, and which afforded a favorable field for that corps to act. All these were obeyed with spirit and promptitude; but such was the impetuosity of the charge by the first line of infantry, that the Indians and Canadian militia and volunteers, were driven from all their coverts in so short a time that although every possible exertion was used by the officers of the second line of the legion, and by Generals Scott, Todd, and Barbee of the mounted volunteers, to gain their proper positions, but part of each could get up in season to participate in the action: the enemy being driven in the course of an hour, more than two miles, through the thick woods already mentioned, by less than one-half their number. From every account the enemy amounted to two thousand combatants.

"The troops actually engaged against them were short of nine hundred. This horde of savages, with their allies, abandoned themselves to flight, and dispersed with terror and dismay, leaving our victorious army in full and quiet possession of the field of battle, which terminated under the influence of the guns of the British garrison, as you will observe from the inclosed correspondence between Major Campbell, the commandant and myself, upon the occasion."

"* * * The loss of the enemy was more than that of the Federal army. The woods were strewed for a

considerable distance with the dead bodies of Indians, and their white auxiliaries, the latter armed with British muskets and bayonets. We remained three days and nights on the banks of the Maumee, in front of the field of battle, during which time all the houses and cornfields were consumed and destroyed for a considerable distance both above and below Fort Miami, as well as within pistol shot of the garrison, who were compelled to remain tacit spectators to this general devastation and conflagration, among which were the houses, stores and property of Colonel McKee, the British Indian agent, and the principal stimulator of the war between the United States and the savages."

The report of General Wayne states "that from every account the enemy amounted to two thousand combatants." It has always been impossible to ascertain with any degree of accuracy the force of the Indians in any battle. It is thought by some that the force under Little Turtle at St. Clair's defeat greatly outnumbered the Americans while others held to the contrary opinion. In the *Western Annals* will be found a statement by a Canadian taken prisoner in the battle of the "Fallen Timbers," who gives the following estimate of the strength of the Indians: "That the Delawares have about five hundred men, including those who live on both rivers, the White river and Bean Creek: That the Shawnees have about three hundred warriors—part of them live on the St. Joseph's, eight leagues from this place: that the men were all in the action, but the women are yet at that place, or Piquets village: that a road leads from this place directly to it: that the number of warriors belonging to that place, when altogether, amounts to about forty: that the Shawnees have about three hun-

dred warriors: that the Tawas, on this river, are two hundred and fifty: that the Wyandots are about three hundred: that those Indians were generally in the action on the twentieth, except some hunting parties: that a reinforcement of regular troops, and two hundred militia, arrived at Fort Miami a few days before the army appeared: that the regular troops in the fort amounted to two hundred and fifty, exclusive of the militia: that about seventy of the militia, including Captain Caldwell's Corps, were in the action. That Colonel McKee, Captain Elliott and Simon Girty were on the field, but at a respectable distance, and near the river: that the Indians have wished for peace for some time, but that Colonel McKee always dissuaded them from it, and stimulated them to continue the war."

There is a tradition that Turkey Foot, an Ottawa Chief, fell at the foot of Presque Isle Hill while endeavoring to rally the retreating warriors. He was pierced by a musket ball while standing on a large rock and encouraging his men. His tribe entertained so much affection for him that it is recorded that long years afterward when any of the tribe passed along the Maumee trail they would stop at the rock and linger for a time with great manifestations of sorrow. The stone is still there within a few steps of the gently flowing Maumee with many rude figures of a Turkey-foot carved on it in memorial of the English name of the lamented Me-sa-sa, or Turkey Foot.

The guns of Fort Miami kept silent although the men under Wayne's command followed the retreating Indians under the very embrasures.

The correspondence between General Wayne and the British officer is not without interest, in view of the relations existing between the United States and Great

Britain at that time, and especially taken in connection with the fact that General Wayne was told by Secretary Knox that if in the course of his operations against the Indian enemy it should become necessary to dislodge the party (the English garrison at the Rapids of the Miami) he was authorized in the name of the president of the United States to do it. These Indians of the North West were the Shawnees and the Delawares—generally called the Miamis—who had taken refuge in Ohio after the capture of Fort Du-Quesne by Bouquet in 1763. With the Wyandots, the Miamis, the Chippewas, and the Pottawatomies they formed a powerful confederacy in the northwest portion of Ohio, near the river Maumee, then called Miami of the Lake, and Lake Erie. There was constant communication with the Indians further west and the Canadians, as well as with the English garrisons at Detroit and at certain smaller posts along the borders of the lake. Not only did the English government establish garrisons in the very midst of these hostile Indians but the letters from Colonel McKee to Colonel England, the British commandant at Detroit, during the campaign of Wayne, and published in the *National Intelligencer* in 1814, show the feeling of Great Britain toward the American arms. In a letter dated at the Rapids, July 5, 1794, Colonel McKee alludes to the attack on Fort Recovery on the thirtieth of June preceding, and says that "everything had been settled prior to their leaving the Fallen Timbers, and it had been agreed upon to confine themselves to taking convoys and attacking at a distance from the forts, if they should have the address to entice the enemy out" * * * In a subsequent letter written from the Rapids and dated August 13, 1794, Colonel McKee advises

Colonel England that "Scouts are sent up to view the situation of the army (Wayne's) and we now muster one thousand Indians. All the Lake Indians from Saginaw downwards should not lose one moment in joining their brethren, as every accession of strength is an addition to their spirits." The celebrated speech of Tecumseh to Proctor after Perry's victory shows, too, that the Indians had regarded the British as real allies and had relied upon their assurances of friendship.

Fort Miami was built in the spring of 1794 by Governor Simcoe, of Canada. One of the grievances against the British government was the retention of the posts held by English garrisons within our territory in violation of the treaty of peace of 1783. When the battle of Fallen Timbers took place the negotiations which ended in Jay's treaty were in progress, but when the news of the victory over the Indians reached the British ministry, an agreement was soon reached by which their posts were to be evacuated—the principal of which were at Detroit, Oswego, Niagara, Mackinac and Fort Miami. Major Campbell, the next day after the battle, addressed this note to General Wayne, "An army of the United States of America, said to be under your command, having taken post on the banks of the Miami (Maumee), for upwards of the last twenty-four hours, almost within reach of the guns of this fort, being a post belonging to his Majesty the King of Great Britain, occupied by his Majesty's troops, and which I have the honor to command, it becomes my duty to inform myself, as speedily as possible, in what light I am to view your making such near approaches to this garrison. I have no hesita-

tion, on my part, to say that I know of no war existing between Great Britain and America."

General Wayne replied at once to this demand. * * * "Without questioning the authority or the propriety, sir, of your interrogation, I think I may without breach of decorum, observe to you, that were you entitled to an answer, the most full and satisfactory one was announced to you from the muzzles of my small arms, yesterday morning, in the action against the horde of savages in the vicinity of your post, which terminated gloriously to the American arms; but, had it continued until the Indians, etc., were driven under the influence of the post and guns you mention, they would not have much impeded the progress of the victorious army under my command, as no such post was established at the commencement of the present war between the Indians and the United States."

Major Campbell prefaced his reply the next day with the statement that he had foreborne for the past two days, to resent the insults which had been offered to the British flag flying at the Fort. * * * "But," continues Major Campbell, "should you, after this, continue to approach my post in the threatening manner you are at this moment doing, my indispensable duty to my king and country, and the honor of my profession, will oblige me to have recourse to those measures which thousands of either nation may hereafter have cause to regret, and which I solemnly appeal to God I have used my utmost endeavor to arrest."

When this communication was received, General Wayne, in company with General Wilkinson, Lieutenant William Henry Harrison and other officers, reconnoitered Fort Miami in every direction. It was

found to be a strong work, the front covered by the Miami of the Lake (Maumee), and protected by four guns. The rear had two regular bastions furnished with eight pieces of artillery, the whole surrounded by a wide, deep ditch, about twenty-five feet deep from the top of the parapet. It is said to have been garrisoned by four hundred and fifty soldiers.

General Wayne then sent a note to Major Campbell stating that the only cause he had to entertain the opinion that there was a war existing between Great Britain and America was the hostile act of taking post far within the well known and acknowledged limits of the United States, and erecting a fortification in the heart of the settlements of the Indian tribes now at war with the United States. * * * "I do hereby desire and demand, in the name of the president of the United States, that you immediately desist from any further acts of hostility or aggression by forbearing to fortify and by withdrawing the troops, artillery, and stores under your order and direction, forthwith, and removing to the nearest post occupied by his Britannic Majesty's troops at the peace of 1783, and which you will be permitted to do unmolested by the troops under my command."

Major Campbell instantly replied in effect that he was placed there in command of a British post and acting in a military capacity only, and that the right or propriety of his present position should be left to the ambassadors of the different nations. He was much deceived if his Majesty, the King of Great Britain, had not a post on this river at and prior to the Treaty of 1783. "Having said thus much," continued Major Campbell, "permit me to inform you that I certainly will not abandon this post at the sum-

mons of any power whatever, until I receive orders for that purpose from those I have the honor to serve, or the fortunes of war should oblige me. I must still adhere, sir, to the purport of my letter this morning, to desire that your army or individuals belonging to it, will not approach within reach of my cannon, without expecting the consequences attending it."

Within less than twenty years from the very day that the correspondence passed between these two officers there was a formal declaration of war between the United States and Great Britain; and within less than twenty years the same William Henry Harrison, then commanding the armies of the United States, heard the thunder of Perry's guns as they proclaimed that the American arms had undisputed possession of the Lake.

The army returned to Fort Defiance on August 27th, laying waste the villages and cornfields of the enemy for many miles. The Indians, defeated and utterly disheartened, retired to the borders of the Maumee Bay.

General Wayne moved from Fort Defiance on September 14th, in the direction of the Miami Village and reached the confluence of the St. Joseph's and St. Mary's Rivers on the seventeenth of the month. The site of a fort was selected by General Wayne himself on the eighteenth, and on the twenty-second of October a strong fortification was completed, which was garrisoned by a detachment under Major Hamtramck, who, after firing a salute of fifteen guns, gave it the name of Fort Wayne, the site of the present prosperous city of that name.

The object of the campaign having been fully accomplished, the Legion moved from Fort Wayne on

the twenty-eighth of October and reached Fort Greenville on the evening of November 2, 1794, when it was saluted with thirty-five guns from a six pounder. The army had marched from Fort Greenville for the campaign of the North West on the twenty-eighth day of July, 1794, and now returned to winter quarters after an arduous and fatiguing expedition of ninety-seven days, during which time it had marched and countermarched upwards of three hundred miles through the heart of the enemy's country, cutting a wagon-road the entire distance, besides constructing three fortifications — Fort Adams, at the St. Mary's, Fort Defiance, at Au Glaize, and Fort Wayne, at the Miami Villages.

The Indians of the North West had been completely subdued and a lasting peace had been accomplished. The arms, too, of the United States had been vindicated from the shame of defeat and disaster. It was the beginning of an era of prosperity and the tide of immigration at once set in for new homes and new settlements. The future now lay in the direction of the cultivation of all the arts of peace. The pioneers began to find their way to the valleys of the Miamis, the Scioto, and the Muskingum, so that the population of the North West, before the close of the year 1796, was estimated at five thousand souls.

The treaty of Greenville, negotiated by General Wayne on the part of the United States, was concluded on the third day of August, 1795. There were eleven hundred and thirty sachems and warriors present or parties to this celebrated treaty.

By the treaty the Indians ceded to the United States about twenty-five thousand square miles of territory, besides sixteen separate tracts, including lands and forts. The Indians received in consideration of these

cessions goods of the value of twenty thousand dollars, as presents, and were promised an annual allowance of nine thousand, five hundred dollars to be equally divided among the parties to the treaty.

It has been almost a century since that eventful day in August, 1795, when the treaty of Greenville was officially proclaimed. Every soul who participated in the council has passed away, and yet the influence of that instrument lives in the progress and advancement of the great North West. It saved defenceless settlements from the tomahawk and scalping knife of the Indian, and supplanted the harsher tones of strife and bloodshed with the softer enactments of charity and love. Anthony Wayne will be remembered not less for the treaty of Greenville than for the battle of the Fallen Timbers.

The last public service performed by General Wayne was to receive the surrender of the northern posts by the British government in 1796, at the fort of the Maumee Rapids, together with the town of Detroit and the military works both there and on the island of Mackinac, in pursuance of the provisions of the Treaty negotiated by Chief Justice Jay in 1783. General Wayne was appointed by the government to conduct this delicate and yet most important commission. He was invested with the powers of a civil commissioner as well as those of a military commander. In every instance he carried out the formalities of the transfer to the American government with rare judgment but with official courtesy. He visited Detroit in September and remained at that post for two months. The Indians, who had gathered there in numbers, welcomed him with noisy demonstrations, and it is said that he was a powerful means in encouraging and per-

petuating a lasting influence between them and their former enemies.

It must have been a great satisfaction to have received the transfer of Fort Miami, under whose guns he bade defiance to its commandant, and the surrender of which, with the other posts, was hastened by his brilliant campaign.

The last post he was ordered to visit was Fort Erie, and on the seventeenth of November, 1796, he sailed from Detroit to execute this commission. On the way he was seized with an attack of the gout, and was removed from the vessel in a dying condition. It is related that at the beginning of the battle of Fallen Timbers, about ten o'clock in the morning, he was suffering the most intense pain from the gout, so that not only were his limbs swathed in flannels but it became necessary to lift him upon his horse. In the excitement of the battle, however, he became as active as any of his officers. General St. Clair was almost incapacitated for duty by a similar attack on the field of his defeat, while Little Turtle, chief of the Miamis, and who commanded on that day of Federal disaster, died thirty years after the Treaty of Greenville of the gout at Fort Wayne, and was accorded a soldier's burial, with muffled drums and a funeral salute.

General Wayne died December 15, 1796, in his fifty-second year, and was buried according to his last request at the foot of the flag-staff at Fort Erie on the borders of the Lake. Perhaps the dying hero saw in its turbulent waves, at times, something of his own unconquerable will and, at others, in its peaceful waters that quiet which would come at last to his own restless soul.

On July 4, 1809, his remains were reinterred in the

cemetery of the Church of St. David's in Radnor, Delaware county, Pennsylvania, under the military escort of the Philadelphia city troop. The funeral oration was delivered by Reverend David Jones, his chaplain, and who had been with him in camp and council and battlefield. The shaft erected to his memory bears this inscription on the north front: "Major General Anthony Wayne was born at Waynesborough, in Chester county, state of Pennsylvania, A. D. 1745. After a life of honor and usefulness he died in December, 1796, at a military post on the shores of Lake Erie, commander-in-chief of the armies of the United States. His military achievements are commemorated in the history of his country and in the hearts of his countrymen. His remains are here deposited."

On the south front it reads: "In honor of the distinguished military services of Major-general Anthony Wayne, and as an affectionate tribute of respect to his memory, this stone was erected by his companions-in-arms, The Pennsylvania State Society of the Cincinnati, July 4, 1809, thirty-fourth anniversary of the independence of the United States of America, an event which constitutes the most appropriate eulogium of an American soldier and patriot."

One hundred years have passed since that day in August when this beautiful Maumee Valley echoed with musketry and resounded with the war cry of the savage. The harvests are now being peacefully gathered to their garners, and the songs of home are uninvaded by the cries and terrors of battle.

It is not, then, too soon to say that history must declare it a decisive battle. It is true that it must pale before the mighty achievements of the late civil war, when vast armies were picked up on the banks of the

Potomac and dropped on the banks of the Cumberland and Tennessee, and when the shouts of more than a million of men mingled with the roar of the oceans as they passed on in the serried ranks of war. The results are scarcely less lasting, for it ended in the complete subjugation of the tribes of the North West, and enforced for the first time the provisions of the treaty of peace of 1783, by which British power was forever destroyed in the territory northwest of the Ohio river. It opened the solemn and mysterious forest which extended in melancholy wastes from the Alleghenies toward the distant Mississippi to millions of freemen, and the soil which had been gathering fertility from the repose of centuries began to bud and blossom of the rose under an intelligent husbandry. It gave birth to a new era in American civilization, and five great commonwealths bear witness that education and morality are the foundations of a good government. As we stand on this consecrated ground, where the ordinance of 1787 was enforced by the guns of Anthony Wayne, we hail the states of Indiana, Illinois, Michigan and Wisconsin, children of the Great Ordinance and shining stars in the crowded galaxy of our flag. Ohio looks with them to the Federal Constitution as the covenant of a perpetual union, and cherishes their history as a common heritage and their prosperity as a common blessing. In the spirit of a broader patriotism Ohio feels an abiding affection for every part of our common country, and pledges to the government which here fought the battle for all the full measure of devotion to every call of duty.

The services which General Wayne rendered during the war of the Revolution are a part of the history of the country. He had that strong will which often

governs with absolute sway and bends men and circumstances to one's purpose. It was, perhaps, this characteristic that marked him in councils of war, and gave him the appellation among the soldiers of "Mad Anthony," not a term of derision but one indicating strength of will and purpose. It is related that when summoned to councils of war he usually sat apart and read "Tom Jones," or some interesting novel, while the officers discussed the proposed measures. When they had severally given their opinion the commander-in-chief would inquire of Wayne, "Well, General, what do you propose to do?" "Fight, sir," is said to have been the invariable response.

It was always his concern that the interests of the country should not suffer in his hands, and whether as a young brigadier stationed at the ford at Brandywine to oppose Knyphausen, or selected to lead the attack at Germantown, or at the head of a column at Monmouth to stay the British advance after the retreat had been ordered by Lee, or in the defence of Stony Point, the most important fortified point on the Hudson, which was committed to him after Arnold's treason had struck the army and the country with consternation, or whether entrusted with an independent command to drive out of Georgia a large British force aided by several tribes of hostile Indians, or whether the army of the United States was entrusted to his command after two disastrous defeats west of the Ohio, he courageously and fearlessly discharged his whole duty.

If the love of glory was the master passion of General Wayne, as stated by one of his eulogists, then his sensitive nature must have been overwhelmed by plaudits and thanks both public and private. He was

thanked by the congress of the United States and awarded a gold medal for his successful assault on Stony Point, and among the many congratulatory letters from his brother officers were those of General Arthur St. Clair and General Lee with whom he was not on friendly terms. The President of the United States conveyed to him expressions of the warmest approbation and the highest respect for his victory against the Indians of the North West, while the congress, then in session, unanimously adopted resolutions highly complimentary to General Wayne and the whole army. His visit to Philadelphia in February, 1796, after the Treaty of Greenville, and an absence of more than three years, was a triumphal procession. He was met by three troops of the Philadelphia Light Horse four miles from the city, and received a salute of artillery on crossing the Schuylkill. He was then conducted through the streets amidst the sound of martial music, the ringing of bells, the roaring of cannon and the acclamations of a grateful people. There was the highest evidence of the universal sense entertained of the important services he had rendered.

The grateful citizens of Edinboro have erected on Calton Hill overlooking the Scottish Capitol, a memorial of surpassing proportions to commemorate Lord Nelson and the great victory of Trafalgar. The inscription recites that it is placed there, not so much to express their unavailing sorrow for his death, nor to celebrate the matchless glories of his life, but by his noble example to teach their sons to emulate what they admire, and, when duty requires, like him, to die for their country.

In like spirit a stately shaft will rise at no distant day from this consecrated place, not only erected by

a grateful and patriotic people to the memory of Anthony Wayne and the brave men who fought the battle of "Fallen Timbers" but to perpetuate as an example for the coming generations the story of their unselfish patriotism.

THE DELTA KAPPA EPSILON FRATERNITY: ITS IDEALS AND MISSION

"From every region of Ægea's shore
The brave assembled * * *
Led by the golden stars, as Chiron's art
Had marked the sphere celestial."

There is a story of Philopœmen, the last of the Greeks, that he entered the theatre at the time of the Nemean games attended by the young men in their scarlet vests and military cloaks. It was just after the victory of Mantinea, and the young men were not a little elated themselves with the many battles they had fought and the glory they had won. In the moment that they all entered the musician happened to be singing to his lyre the Persæ of Timotheus, and was pronouncing the verse:

"The palm of liberty for Greece I won,"

when the people, struck with the grandeur of the poetry and inspired by the glorious presence of the gallant youth, from every part of the theatre at once turned their eyes upon Philopœmen and welcomed him with the loudest plaudits. They caught in idea, says the historian, the ancient dignity of their country, and in their present confidence aspired to the lofty spirit of former times.

This page from classic history has suggested some fitting thoughts for an address to a fraternity which

Delivered on the Semi-Centennial of the Fraternity in New York City, November 15, 1894.

comprehends so much of the young culture and aspiring manhood of our American colleges—a fraternity not only characterized by a radiant wealth of true and lasting friendship, but where every purpose is in the direction of scholarly attainments and right views of citizenship and public duty. The loyalty of her sons has broadened and deepened with the succeeding years, so that on this semi-centennial occasion we have an abiding affection for her associations, a just pride in her traditions, and a supreme faith in her future.

Fifty years have passed since the organization of this Greek-letter society. The history of those years is a chapter roll embracing thirty-five of the representative institutions of learning in the country, with not less than twenty-two alumnal associations and organizations, and a membership of not less than ten thousand names. Much could be written of those who have worshiped at the shrine of the Fraternity and there paid their vows. In the record of the past half century there are names which have been most influential in directing State and national legislation; names which have adorned the science of jurisprudence and theology and medicine, and which will live in the literatures of the professions; names of scientists and professors and authors and editors who have largely influenced public opinion upon measures of public policy; names of soldiers who rendered the full measure of their devotion on fields of battle, while the pages of the Fraternity are resplendent with the glory of her sons in the mighty struggle to preserve the Union. A society thus animated by a lofty purpose and with a perpetual succession may well review her annals and mark the stages of growth to the meridian of a century, and

may well invite public judgment to the spirit and object of her existence.

Delta Kappa Epsilon is intrenched in a continent. Maine, with her forest-crowned mountains, exchanges fraternal greetings with California, with her snow-capped diadem. The brave have assembled from every region of Aegea's shore—from Yale and Bowdoin and Colby and Amherst and Vanderbilt and Brown and Miami and Kenyon and Dartmouth and Middlebury and Williams and La Fayette and Hamilton and Madison and the College of the City of New York and Rochester and Rutgers and DePauw and Wesleyan and Rensselaer and Adelbert and Cornell and Chicago and Syracuse and Columbia and Trinity and the universities of Alabama and Mississippi and North Carolina and Virginia and the Central of Kentucky and Michigan and California and Minnesota and the Massachusetts Institute of Technology. In the language of the *Twelfth Night*, we even "unclasp the book of our secret soul" to the surviving brethren of Zeta, of New Jersey; and Delta of South Carolina; Omega, of Oakland, Mississippi; Theta Chi, of Union; Kappa Psi, of Cumberland; Zeta Zeta, of Centenary, Louisiana; Alpha Delta, of Jefferson; Tau Delta, of Union, Tennessee; Kappa Phi, of Troy; and Eta Alpha, of Washington and Lee.

The Latin poet says that to have been born in the early age was to have been of the heroic race of men, and that the ancient rulers of the Trojan line must have been greater than the family which occupied the throne when Phyrrus stood before the walls of Ilium. A just respect for the faith we hold so dear requires that we mention with gratitude to-night the founders of the Delta Kappa Epsilon Fraternity—the ancient

rulers of the Trojan line. The Fraternity which they established has nothing of age save its dignity, and her strength is the strength of youth. The fellowship of the young and the brave and the stalwart will be enlisted as one academic year succeeds another, so that as we turn from the past we can look with sublime confidence to the future;

> "When at last our hearts grow chill
> And turn to silent dust,
> We shall not die, for brave hearts still
> Shall keep the ancient trust."

In the great busy world which lies beyond the college walls there will be found many who are demanding the honors and rewards of society. The Fraternity badge will not accomplish much unless accompanied by a gentlemanly bearing. Well-directed effort is more potent than genius unemployed. If the Persian youth acquired something of a dignity by having been educated in the palace of the king, so should the very associations of fraternity life stimulate a sincere comradeship, and an earnest effort and a strong enthusiasm for all that makes for the good of college life and the career of maturer days. There must be progress. There must be the marching forward. John Ruskin, after he had filled his mind with untold riches in the field of art research, was not to be compared with the John Ruskin when he left the walls of Oxford. Daniel Webster, when he expounded the Federal constitution in the senate of the United States, and declared the very principles for the centuries upon which free representative government alone can rest, was not to be compared with Daniel Webster when he left the walls of Dartmouth College. It is possible for almost every

college graduate to become a right thinking man; but with the proper culture of the heart and the mind, the education of Commencement Day is not worthy to be mentioned with the advancement of middle life. The development of the young man must advance with the ministry of the best thoughts and the noblest ideals and the most refined sympathies.

Cicero, who was, perhaps, the broadest scholar of the pagan age, says in his essay on the Republic that "at no point of thought and feeling does man's nature resemble more the Divine nature than when the statesman is founding and caring for the commonwealth." There can be no greater duty than a service consecrated to a well-equipped state, which guards the liberty and industry and education of its dependent millions. It is the genius of the Fraternity that her young men should go out into society with the restless spirit of inquiry; that they should go back of phenomena and seek the cause; that they should not be sophists—those who know, but rather those who wish to know; that they should discover for themselves the laws by which events come to pass; that they should trace the brooklets in the valley up to the mountain sources, and follow the hidden hand that is painting cloud-pictures on the sky or wave-pictures on the sea. Great principles come out of intellectual activity. Despotisms are borne of ignorance alone. It is necessary for somebody to think; for while some men think for themselves, it is not the less true that many men think as others think, or do not think at all. Thought may create a wide discontent, but it is generally followed by a better endeavor. There is in every society a sentiment suspicious and jealous of all free-

dom of thought unless it can be regulated by some civil or ecclesiastical authority; but the true end of all human inquiry should be the endowment of human life with new riches and new beauties and new inventions. This is the aim of scholarship. A modern writer truthfully observes that Roman civilization died in the death of the literary spirit, and when a better national life reappeared it first presented itself at the doors of the universities.

William Hazlitt, in his *Table Talk,* observes that any one who has passed through the regular gradations of a classical education and is not made a fool thereby may consider himself as having had a narrow escape. It must be confessed that pedantry is almost as objectionable as ignorance; but no one can read the magnificent oration on the studies which Archias taught without being impressed with the necessity of giving attention to classical pursuits, not only for benefit, but for pleasure as well. Xenophon, in the Symposium, has one of his guests say, "My father, anxious that I should become a good man, made me learn all the poems of Homer, and now I could repeat the whole Iliad and Odyssey by heart." Perhaps this standard is high, but a college graduate who is unsuccessful in practical life, with the preparation afforded by a regular college *curriculum,* could hardly hope for preferment without a knowledge of the Tusculan Disputations. The trouble to-day is that young men are taught to believe that there is an antagonism between culture and practical success, and that learning, in the best sense, is inconsistent with public affairs. Indeed, political life is exhibited to the young and aspiring in its most repulsive form, like the drunken Helot to the youths of Sparta, as a warning and as an example.

Scholarship should stand near the people so that they can be familiar with the laws and duties that spring from the relations of man to man. Scholarship must stand near the people that the greater truths may come. The student as the representative of thought, the student as the inspiration of freedom, is demanded.

It cannot be doubted that the first colonial colleges were practically patterned after the old transatlantic colleges, whose forms and *curricula* may be traced to mediæval influences. The theological tendency, too, was manifest, if not dominant, in early colonial education. To-day there is a demand that the individual be prepared for the duties which belong to the citizen. Free government can only be made secure by an ever-increasing morality and intelligence. If sovereignty is to be universal, education should be universal. An enlightened citizenship is the security of the republic. The university is a mighty influence in the future of the country. Learning is patriotism, in that it not only enables the citizen to demand what is due to himself, but makes him concede what is due to others. It lifts the man up to a proper appreciation of his rights as well as his obligations. Thus liberty and learning have always contended together against despotism and wrong. The scholars have always stood for popular rights. Suffrage is the most sacred privilege of the citizen. If not directed by intelligence and patriotism and conscience, it will be exercised with ignorance and selfishness and corruption. If good men do not go to the councils of the people, then bad men will control public affairs. Public clamor may sometimes be mistaken for an enlightened public opinion.

The young men who have the superior advantages of our universities and colleges cannot afford to as-

sume a dignity greater even than the nation itself. Scholarship cannot afford to wait to be invited to public life; it must go from a grander impulse than self. It cannot afford to reserve itself for the more stately occasions, which are but periodical, nor should it act alone for the more critical emergencies, which are but temporary. Nothing is unworthy the best thought in science or in law or in literature or in religion which may contribute in any way to the welfare of a republic for which more than one million of men were ready to die. It would be a calamity hardly less terrible than civil war itself if the best thought and the best culture and the best conscience should voluntarily or involuntarily be divorced from all active sympathy with our political or social institutions. Mr. Gladstone, in an article in the *North American Review,* in September, 1878, declared that there could hardly be a doubt as between the America and England of the future—that the daughter at some no very distant time, whether fairer or less fair, would unquestionably be stronger than the mother. This prophecy will not be realized unless all the forces of intelligence and conscience shall tend to the peace, prosperity, and general good of society. Our national importance will not be determined by our geographical proportions, our wealth, our military strength, but by the stability of the administrative power and by the civil and social institutions of the commonwealth. Gibbon calls the period of the Cæsars the golden age of the world, because history has never witnessed greater commercial enterprise, more industrial activity, and a more magnificent creation and display of wealth and splendor; but the student of Gibbon cannot read of the decline and fall of the Roman Empire and the artful policy of the

Cæsars, who long maintained the name and image of a free republic, without being impressed with the loss on the part of the people of the very spirit of citizenship. De Tocqueville observed that the great danger of a democracy is that unless guarded it merges into despotism.

The Delta Kappa Epsilon Fraternity believes that the aim of generous scholarship should be towards creating and keeping alive a sound public opinion upon all subjects of morality and philosophy, of science and politics. The Fraternity believes that the potency of scholarship will be found in a ripened public opinion. Public opinion penetrates the mighty mass of human action. It is the voice of the pen, the pulpit, the study, the bar, the forum, just as every raindrop and every dewdrop and every misty exhalation which reflects the rainbow contributes to swell the mountain stream or the ocean flood. Without general morality there can be no sound commonwealth, for the better the party, the better the government. It is the teaching of history that in an absolute monarchy there will always be a tendency to despotism, in an aristocracy toward an oligarchy, in a democracy toward anarchy. The feature of all democratic forms of government has been described as an occasional burst of patriotism with a splendid effort, followed by dejection, anarchy, and misrule—a stormy night, illumined by occasional flashes of lightning, never by the steady radiance of the morning sun.

It is the glory of America that it stands for citizenship; but no one can follow the pages of Hallam in his *Constitutional History,* or Macaulay as he tells of England, or our own Bancroft as he traces the history of our people from the Colonial period to the time

of the Republic, without a consciousness that the spirit which gives liberty its living power must be preserved lest it be lost in the worship of its symbols. The Delta Kappa Epsilon Fraternity believes that the Republic has a right to the best zeal and the noblest affection of every citizen, and looks with an ever-increasing faith that the country may be glorified through the devotion of her sons and the patriotism of their scholarship.

It cannot be doubted but that the Greek-letter societies are one of the most significant features of American college life. Secrecy is cherished only to the end that there may be a better development of the social and intellectual spirit, while the letters of the Greek alphabet are selected as representative of the culture they represent. Membership is a recognized privilege as well as a distinction, and they are now regarded as the most influential agency by which a community of feeling and life can be awakened among the colleges of the country. The secrecy which is maintained has the same relation to the Fraternity life that a proper reserve has to the character of a gentleman. "It is secret," says a writer, who is one of the best exemplifications of the ideal scholar and gentlemen, "in the same sense in which every union of affection, every meeting of friends, every intimate exchange of thought by correspondence or in the family circle is secret. It wears its secrecy as lightly as a cheerful and united household, simply as a security for the unreserved freedom of friendly intercourse and the closeness of brotherhood. The mystic name, with its significance known only to the initiated, is precious as a symbol of protection against the criticism and possible misrepresentation of an unfriendly world, a

pledge of perfect freedom for whatever may be worthily said or done in the fellowship of a gentleman."

Nothing certainly can be more useful and instructive to young men who are acquiring a liberal education and preparing themselves for the more important spheres of practical life in literature and eloquence and public action than the companionship of the worthiest. Nothing can be more desirable than the associations of a fraternity whose traditions are the best expression of the successive college classes of one-half a century in the leading educational institutions of the land. Dr. Thomas Arnold, the devoted scholar and great schoolmaster, pronounced it his highest aim to make the boys entrusted to his care to feel like Christian gentlemen. The word "gentleman" was formed, says one, before *gentle* came to mean kindliness of soul; and a gentleman signifies that character which is distinguished by strict honor, generous as well as refined feeling; a character to which all meanness is foreign, and to which an essential truthfulness, and a courage, both moral and physical, and a proper self-respect as well as a respect for others, are habitual and have become natural. The same writer adds that the character of the gentleman implies, further, a refinement of feeling and a loftiness of conduct to the right dictates of morality and the purifying precepts of religion. Those who listen to grand old Plato, in the Eleventh Book of his Dialogues, when he says, in the form of an invocation, "May I, being of sound mind, do to others as I would they should do to me," will have the gentlemanly instinct, and will narrowly escape, if at all, the gentlemanly bearing. The principle of the golden rule underlies our public and private justice, our society, our charity, our religion.

Talfourd's words, uttered on the bench in a case tried at the Bristol Assizes, are instructive. "Gentleman," said the learned judge, "is a term which does not apply to any station. The man of rank who deports himself with dignity and candor, and the tradesman who discharges the duties of life with honor and integrity, are alike entitled to it; nay, the humblest citizen who fulfills the obligations cast upon him with virtue and honor is more entitled to the name gentleman than the man who could indulge in offensive and ribald remarks, however big his station." Nor is the title even unbecoming a king. Pistol, in Henry V., calls himself as "good a gentleman as the Emperor"; while Lord Campbell, in his Lives of the Lord Chancellors, informs us that when the Commons in 1640 were unwilling to vote supplies to Charles before sending their grievances, they were told by Lord Keeper Finch that they should freely vote the money, for "they had the word of a king, and not only so, but the word of a gentleman."

The Delta Kappa Epsilon Fraternity, then, not only stands for that broad and enduring conception of culture which comprehends all branches of mental activity, but looks as well to the association of gentlemen for the highest social development. The ideals of membership will be found in the scholar and the gentleman. The primary purpose of the organization was the cultivation of a bond of sympathy between the youthful students of our American colleges in pursuit of the higher objects of education. This force, too, is receiving recognition in college government. The chapters of fifty years ago were mere students' clubs, governed by the decrees of the faculty. The altered condition of college culture is due in no small degree

to the Fraternity movement. The student must be largely influenced by the moral force of his chosen associations. The time seems to be approaching when "student government" is to be regarded as well as "college government," and when the responsibility for the personal conduct of the student will be left to the students themselves. The Faculty of Amherst College has called to its aid a committee of students as the guardians of college order, while Bowdoin College has placed the discipline of the college in the hands of the students. This course arises, doubtless, largely from the influence of the Greek-letter societies and the very idea of stability and dignity which at once surrounds the Greek homesteads. A just pride in the name alone must give direction to every movement for the preservation of college order. The chapter houses are the embodiment of a tender sentiment, and with their traditions and memories and libraries, all characterized by a ripened culture, become beautiful with the passing years, just as the colleges and halls of the old English universities are more sacred to-day now that many generations have left upon them the living thought and affection of the departed students.

Youth is the period of generous impulses, of noble aspirations, of undoubting faith. The Fraternity, as with an inspiration, found that the best ideal in the selection of young men must rest on the enduring principle that true friendship as shown in the boy is the index of the true manliness to be developed in the man. It is the story of friendship as illustrated by the affection of Achilles for Patroclus, when he declared that though the dead forget their dead in Hades, even then he would not forget his dear comrade; and just as Apollo bound his bow with laurel in memory of Daphne,

whom he loved, the chord was touched that must always give a responsive echo. With each succeeding year the Fraternity will widen and widen until Greek temples and Greek hearths in every chapter will attest the living devotion of her sons. The influence for good, too, will not only exist in the undergraduate, but continue to live in many an unfinished life. Friendships are formed which do not die with college life, but they go on through the years of manhood, uniting the members in a closer relationship and lifting them up to a broader sympathy for others. These friendships are like running brooks, which deepen their channels as they run on forever. With increased influence will come increased responsibility, and our good name will depend upon the cultivation by every member of the true fraternal feeling.

It was that spirit that enabled the Delta Kappa Epsilon Fraternity to build the first of all Greek homesteads in the forests of Gambier. It was the feudal loyalty of her sons which caused the armorial blazons of chivalry to be first employed among the Greek-letter societies—indeed, alone in a complete heraldic system. It was this spirit of generous fellowship which caused the chapters of the North after the desolation of civil war to turn with an abiding affection to the chapters of the South, and welcome again with the fraternal hand those who had been brothers in a common prosperity. Her young men fell like leaves in the blasts of autumn, and every grave consecrated by a sacrifice which held devotion to duty as better than life—however mistaken the cause—will only awaken respect in the heart of every brave man. In the rekindling of the flame, in the renewal of pledges, and in the singing of the Fraternity songs, we ask them with us to hail

the new stars which are constantly rising in the crowded galaxy of our flag, and we ask them with us to look to the Federal Constitution as the sacred covenant of a perpetual union. In unbroken unity alone will be found unconquerable strength. We must all march forward, conscious of the power and permanency of our political institutions, in the path to imperial greatness.

If in the classic myths of the old heroes Atlas is represented as bearing the heavens on his massive shoulders—even the whole starry world, with its immense mystery of the planets and its azure of glittering constellations—so let us to-night picture our beloved Fraternity, crowned with the triumphs of the past half century and inspired with the glowing prophecies of the still unmeasured years, as standing in matchless symmetry, and with a devotion that knows no weariness, holding a world of scholarship and genial fellowship in her uplifted hand.

KING PHILIP'S WAR

In 1675, the number of Indians in New England was roughly computed at fifty thousand souls. They had been supplied with arms by unprincipled traders, which they had learned to use with deadly accuracy, and the possession of which gave them a dangerous consciousness of power. They were confined, in a good measure, by the continued extension of the English settlements to peninsulas and necks of land on the coast. Many of the tribes, consequently, began to suffer from insufficient room to procure subsistence and began to be impatient of English dominion.

Massasoit was the earliest and firmest friend of the English, and this friendship continued until his death. He was succeeded by his son, Wamsutta, who held sway among the Pokanokets. Wamsutta, only a few months after his accession to power, on some vague suspicion, was seized by a party of English and carried prisoner into Plymouth, where, in a few days afterward, he died of a fever, brought on by anger and irritation. Metacomat, his brother, more commonly known as King Philip, succeeded to the throne, and, from profound policy, evinced great friendship to the English. He maintained for nine years, with extraordinary dissimulation, the appearance of peace and good will, although he cherished feelings of revenge for the death of his brother, and the encroachments on his territory.

Delivered as Governor of the Society of Colonial Wars in the State of Ohio, at the First Grand Council, December 19, 1895.

It is related that as early as 1671, in an arbitration arising from disputed territory, Philip subscribed a set of articles, in which he practically yielded almost every point in question, and, in a manner "delivered himself, body and soul, into the hands of the Plymouth authorities." His motive, doubtless, was to blind his enemies as to the extent and dangerous nature of the conspiracy he was then meditating. His plan was nothing less than the complete extermination of the whites; and in its prosecution he displayed a policy, courage and perseverance, which, in a savage, has never been surpassed. To knit the tribes of New England, immemorially dissevered by traditional feuds and enmity, into a confederacy against a foe so terrible as the English, might well have seemed to the most sanguine a hopeless task. Yet such was the object to which Philip bent all his policy and energy, and in which, to a great extent, he succeeded. He resorted alike to argument, persuasion and menace with the utmost adroitness.

In the spring of 1675 Philip sent six embassadors to Awashonks, Queen of the Sogkonates, demanding that the tribe should join the league. A solemn dance was appointed, to decide the question, and Awashonks, that the opposite party might not be unrepresented, sent for Captain Benjamin Church, the only white man in her domains. Captain Church was one of the most famous Indian fighters in New England history, and had just settled in the wilderness of Sogkonate, or, as called by the English, Little Compton. He is described as a man of undaunted courage, of a sagacity fitted to cope with the wiliest tactics of Indian warfare, and, withal, of a kindly and a generous disposition, which, except when engaged in immediate hostilities,

seems to have secured for him the respect and attachment of the wild tribes he so often encountered. His narrative, written in his old age, by his son, from his own notes and dictation, is one of the choicest fragments of original history in our possession. As a literary performance, it is quite respectable; but for vividness of detail and strength of expression, it is something more, and may well be entitled to rank with such rude and stirring productions as "The True Conquest" of Bernal Diaz, and the "True Adventures" of Captain John Smith. The title page of the second edition, which was printed in Boston in 1716, reads: "The Entertaining History of King Philip's War, which began in the month of June, 1675; and also of Expeditions more lately made against the Common Enemy, and Indian rebels, in the eastern parts of New England: with some account of the Divine Providence towards Col. Benjamin Church, by Thomas Church, Esq., his son."

A grand council was held, on his arrival, at which the six Wampanoags appeared in great state, making a formidable appearance, with their faces painted, and their hair trimmed back in comb fashion, with their powder horns and shot-bags at their backs, which, among that nation, says a writer, is the posture and figure of preparedness for war. A fierce discussion ensued, and a privy councilor, named Little Eyes, attempted to draw Church aside in the bushes to privately dispatch him, but was prevented by others. The Englishman, with great boldness, advised Awashonks "to knock those six Mount Hopes—so-called from Mount Hope, the favorite seat of Philip—on the head, and shelter herself under the protection of the Eng-

lish." The Queen dismissed the embassy, and, for a time, observed neutrality, if not fidelity.

It was now evident that Philip was preparing for active war. He sent all of the women and children of his tribe into the Narragansett Country, and held a great dance, lasting for several weeks, with all the warriors of his neighborhood. The first blow was struck on the twenty-fourth of June, 1675, in an attack on the little town of Swansey. Nine of the settlers were killed, and the rest fled, while the Indians fired their deserted dwellings.

Soldiers were sent from Massachusetts, and Church, with a company from Plymouth, hastened to the frontier. Philip was compelled to flee, but only to ravage the country in other remote spots. Church, with only nineteen men, holding on in pursuit, at last, on the site of the present town of Tiverton, fell in with three hundred of the enemy. "The hill," he tells us, "seemed to move, being covered over with Indians, with their bright guns glittering in the sun, and running in a circumference with a design to surround them." The English defended themselves with much desperation and courage, until taken off by a vessel which came to their aid.

The English forces, at last uniting, after some indecisive engagements, compelled Philip and his warriors to take refuge in a great swamp at Pocasset. Philip, defeated, with a loss of thirty warriors, in another engagement, fled westward, and excited the more remote tribes to warfare. Numbers of the English were killed, and several flourishing villages on the frontier were burned. Philip, aided by the continually exciting causes of enmity, developed by war with a foe so indefinite as "the Indians," had succeeded in

awakening a general hostility among the numerous tribes of the frontier. From this time an almost continual succession of Indian attacks occurred, and town after town was laid in ashes. It was supposed that he was present at many of the scenes of midnight assault and massacre which, at that time, filled New England with alarm; but it is certain that he was seldom recognized. Once, it is said, he was seen at a successful attack, riding on a black horse, leaping fences, and exulting in the scene of destruction; and, again, that he once ordered an arm chair to be brought forth, that he might enjoy at his ease the conflagation of a village.

The people of Hadley, on the first of September, assembled at the meeting house, armed as usual; and, but for an unexpected assistance, would probably have been overwhelmed. An old man, with long white hair, dressed in the fashion of former days, suddenly appeared, and assumed the command. By his courage and skillful strategy, he put the enemy to flight, and then disappeared as suddenly and mysteriously as he came. Many of the people supposed him to be an angel, providentially sent to their aid; but he was, in reality, Major General Goffe, one of the regicide judges of King Charles, who, with his companion, Whalley, had been concealed for ten years in the cellar of Reverend Mr. Russell, minister of the town. "There are few incidents in history more striking than that of the old soldier," says the narrator, "so long immured in this dismal habitation, roused once more by the clash of arms and the discharge of musketry, to mingle, for the last time, in the half-forgotten scenes of combat, and then shrinking back forever into the gloom and twilight of his subterranean abode."

In the following October, a body of seven or eight hundred savages attacked the garrison at Hatfield. The Indians were driven off, and suffered greatly from want and exposure during the ensuing winter. Philip and his warriors, it was supposed, had taken refuge with the Narragansetts. The English now resolved to crush the latter tribe, as the most easily accessible, on account of the shelter they had afforded the enemy.

Five hundred soldiers, under the command of Josias Winslow, governor of Plymouth, were sent against this tribe, and on the afternoon of December 19, 1765, a bitter winter's day, after a forced march, arrived at their principal fort. It was built on a plateau of elevated ground of perhaps three or four acres in a great swamp, and the only access to it was by the trunk of a large tree, lying in the water. The place of the fort was about seven miles nearly due west from Narragansett, South Ferry, and in South Kingston, Rhode Island. The assailants made their way across this bridge of peril, with much loss, and after a desperate battle within, lasting for some hours, firing the fort, they renewed the terrible tragedy of Groton. Seven hundred of the Narragansett warriors are said to have fallen in the fight, and nearly half that number perished of their wounds. It is said that five hundred wigwams were burned with the fort, and two hundred more in other parts of Narragansett.

The defeated Narragansetts, however, did not fall unavenged. Eighty of the English were slain in the engagement, and one hundred and fifty were wounded. —many of whom perished on the return march. The situation was rendered more intolerable not only from the severity of the cold, but because of a tremendous

storm, which filled the atmosphere with snow, and through which they were compelled to march eighteen miles before they arrived at their headquarters.

Canonchet, the brave young sachem of the Narragansetts, with the remainder of his forces, took refuge in the west, where, in concert with Philip, he planned schemes of vengeful reprisal. Lancaster and Medfield—the latter only twenty miles from Boston—were burned, and nearly a hundred of the settlers were killed or carried off as prisoners. The brave Canonchet, having raised a force of many hundred men, ventured eastward with a few warriors to procure seed for planting, and was shot at Stonington. "He refused," says a writer, "to purchase his life by procuring the submission of his injured tribe, and met his death with the highest courage and fortitude—a true patriot, and a hero, whose soul, to judge from his brief sayings, was cast in an almost classical mold."

In the spring of 1676, the war continued to rage with alternate success. Part of Plymouth was burned. A force of cavalry, aided by a body of Mohegans, was especially employed against them. Two hundred were made prisoners on one occasion; five or six hundred surrendered on a doubtful promise of mercy, and many migrated to the west. Philip and his people still held out, and kept the settlements in continual dread of an attack.

The Sogkonates, at this time, were in alliance with Philip, but they became detached from the hostile league, and declared to the English that "they would help them to Philip's head ere the Indian corn be ripe." It is said that the desertion of this tribe, and the ceremony of swearing allegiance to the English, "broke Philip's heart as soon as he understood it,

so as he never rejoiced after, or had success in any of his designs."

With an English force, and a considerable number of Indian warriors, Church, in June, 1676, commenced an active campaign against the enemy, scouring the woods in all directions, and killing or making prisoners a great number of the hostile savages. Once he fell in with Little Eyes, who would have killed him at Awashonk's dance, and his Indians wished him to be revenged, but, instead, he afforded him especial care and protection.

In following the enemy into the Narragansett country, Church came to Taunton River, over which the Indians had felled a large tree for the purpose of crossing. On the stump, at the opposite side, sat a solitary warrior. Church quietly raised his gun, but was pervented from firing from the suggestion that it was a friend. It was Philip himself, musing drearily, no doubt, on the fallen fortunes of his race. Before a gun could again be leveled, he sprang up and bounded like a deer into the forest. The Indians were posted in a swamp near at hand, and after a short skirmish, were defeated, and one hundred and seventy-three, including women and children, were captured. Philip and most of his warriors escaped, but his wife and children were among the prisoners. His wife described his condition as forlorn in the extreme, and said, that after the last misfortune he was quite inconsolable.

In all the present region washed by the circling Narragansett, there is no spot more beautiful than that miniature mountain, the home of the old sachems of the Wampanoags. The unhappy warrior, after seeing his followers one after another fall before the English,

or desert his failing cause, had betaken himself, like some wild animal hard driven by the hunters, to his ancient haunt, the former residence of his father, the friendly Massasoit. With what feelings the last of their number, a fugitive before inveterate foes and recreant followers, looked on the pleasant habitation of his fathers, may more easily be imagined than described. He sternly rejected all proposals for peace, and even slew one of his own followers who had ventured to speak of treaty with the English. The brother of this victim, naturally enraged and alienated from his cause, at once deserted to the enemy, and gave the information which led to his final ruin.

A few brave warriors remained faithful to him, and with these and their women and children, Philip had taken refuge in a swamp hard by the mountain, on a little spot of rising ground. On that troubled night, the last of his life, the sachem, we are told, had dreamed of his betrayal, and awakening early, was recounting the vision to his companions, when the foe suddenly came upon him. His old enemy, Church, who was familiar with the ground, had posted his followers, both English and Indian, so as, if possible, to prevent any from escaping. After several volleys had been rapidly fired, Philip, in attempting to gain a secure position, came in range of an ambush, and was instantly shot through the heart by one Alderman, an Indian under Church's command. He fell on his face with his gun under him, and died without a struggle, Saturday, August 12, 1676. Most of the warriors, under old Annawon, Philip's chief captain, made their escape.

The body of the unfortunate Philip was drawn from the swamp, a spectacle of exultation for the army, and

Church, following the barbarous fashion of the time, declared that, forasmuch as he had caused many an Englishman's body to be unburied, and to rot above ground, no one of his bones should be buried. "This Agag" says Cotton Mather, "was now cut into quarters, which were then hanged up, while his head was carried in triumph to Plymouth, where it arrived on the very day that the church there was keeping a solemn thanksgiving to God. God sent 'em the head of a leviathan for a thanksgiving feast."

The sinewy right hand of the dead warrior, much scarred by the bursting of a pistol, was given to Alderman, to show to such gentlemen as would bestow gratuities upon him. Thus died Philip of Pokanoket, the last sachem of the Wampanoags, the originator and head of that terrible confederacy, which so long kept New England in dread and consternation, and which, at one time, seemed almost to threaten its entire destruction. He was, undoubtedly, a man far superior to the generality of his race, in boldness, sagacity, and policy; his powers of persuasion were extraordinary, and the terrifying results of his enmity sufficiently evinced the ambitious nature of his scheme, and the genius with which it was conducted. His own sufferings and the injuries of his family have awakened in succeeding generations somewhat of that sympathy which is always due to misfortune; and though the defeated leader of a ruined confederation, his name, more than that of any other of the Indian race, has always excited the interest, if not the admiration of mankind.

Annawon and the few warriors whom death and destruction had yet left to maintain the hopeless cause of the Pokanokets, were soon taken prisoners by sur-

prise, and all their guns, which were stacked at the head of Annawon, were secured. It is interesting to follow the historian as he describes the romantic incidents of this wonderful surprise: How the whole company, English and Indians, wearied with pursuit and flight, were soon wrapt in slumber, all but the two leaders, who lay looking at each other by the glimmering light of the embers: how Annawon arose and disappeared in the darkness, but soon returned bearing a powder horn, a scarlet blanket, and two splendid belts of wampum, the regalia of the unfortunate Philip: how he solemnly invested Church with these royalties, as the victor over the last of the hostile tribes; and how, in the words of the Captain, "they spent the remainder of the night in discourse, and Annawon gave an account of what mighty success he had formerly in war against many nations of Indians, when he served Asuhmequin (Massasoit), Philip's father."

The capture of Annawon, who was afterwards put to death, ended King Philip's war—a war which, though it lasted only a year and a half, seemed almost to threaten the destruction of New England. Thirteen towns had been laid in ashes, and many others partially destroyed; six hundred dwellings were burned by the enemy; six hundred Englishmen had lost their lives, and the prosperity of the whole country had been severely checked and retarded. But if misfortune had been experienced by the victim, utter ruin and almost annihilation had been the part of the vanquished. In war, in conflagration, by starvation and cold, such vast numbers had perished that the effective force of the hostile savages was completely broken, and many of their tribes were nearly extinguished. The son of

Philip, a child only nine years of age, was shipped as a slave to Bermuda. Thus perished a nation:

> "Indulge, our native land, indulge the tear
> That steals impassioned o'er a nation's doom:
> To us each twig from Adam's stock is dear
> And tears of sorrow deck an Indian tomb."

Two hundred and twenty years to-night have elapsed since that eventful day in December, 1675. We have passed from the Colonial period through the Revolution to the time of the Republic. The communities founded by the men who fought King Philip's war have gradually grown up to great commonwealths. If magnanimity were wanting at times, it must be remembered that there was needed that earnestness which can alone successfully contend with great obstacles, either human or natural—with civil tyranny and religious persecution—with the privations and dangers of the wilderness, and the unsparing enmity of its savage inhabitants.

These two hundred and twenty years have been crowned with the blessings of liberty and order and law. The civilization which began on the bays and inlets of the Atlantic has extended in parallel lines across to the Pacific. New England, said Mr. Webster, contains in its system three institutions which alone would have sufficed to make it free,—the Town Meeting, the Congregational Church, and the Common Schools. We can best prove worthy of Colonial ancestry by revering the arts and arms, and maxims imperial of Colonial glory.

JAMES ROBERT BICKLEY

When Andre Chenier, the everlasting regret of French genius and poesy, was about to die on the guillotine, then only in his thirty-second year, and not for crime, but in the mad career of the Revolution, he turned to the executioner and placing his hand on his own head, said, "It is a pity: for there is something here."

It does seem a pity,—an everlasting pity,—that our young friend should have stepped so suddenly from life into death. It is hardly possible to realize that he has left us for the unknown, although we are painfully conscious in the gloom which surrounds us all that the gentle Bickley is absent. We can only stand this morning, and look into the great cloud of mystery which now enshrouds his form.

The chamber of death must always impress the enlightened spirit. The sun which sinks to rest after the day is done, and reflects a golden glory on orchards and forests and homes alike, is a grand picture in nature. But our sun has gone down while it is yet day, and even the meridian had not been reached before the light disappeared in the shadow on the horizon.

Surely the admonition comes to us this day with amazing force that we cannot walk too thoughtfully on the shores of life's great ocean. Our little barks

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Delivered over the Grave at New London, Ohio, September 23, 1897, as the Tribute of the Delta Kappa Epsilon Fraternity.

will soon set sail on the same illimitable sea. Sometimes, indeed, we can almost hear, in the silence of the receding world, the breaking of the restless waves on the other side.

All must at last go down to the dust, potentate and prince and peasant alike, but it is a blessed consolation to know that when the earthly voice is stilled there yet remains the everlasting voice with its whisperings of consolation and love. Our departed brother looked up with a sublime confidence and that faith fills the clouds with many rays of sunshine.

James Robert Bickley was generous and manly and possessed a high sense of honor. He worshiped the beautiful in poetry and nature. He walked in the sunshine, and rejoiced in bird-song and budding flower. He cultivated the better associations of life and wooed and won by his friendships. All who were brought in contact with him shared the companionship of his lovable nature.

He always seemed to so live in the consciousness of saying good things and doing good things that there must have constantly been before him the ladder which Jacob saw in his dreams, where above every ascending purpose there were angelic spirits beckoning upwards and pointing to the stars.

What hopes, what aspirations, what ambitions, what expectations must lie buried in the grave with him!

To those who knew him in the sweet relation of Fraternity fellowship his death must bring an inexpressible sadness. The memory of this tender and affectionate brother, however, will linger within the darkened halls of Kappa Chapter like the broken alabaster box which filled the house with the richest fra-

grance. There is heard in all this sadness of sorrowing brethren a melody like the Bell of Whittier:

> "Not upon us, or ours, the solemn angel
> Hath evil wrought:
> The funeral anthem is a glad evangel,
> The good die not."

Yet when we think of the hand once clasped in the warmth of an abiding friendship—the unbroken vow—the kindling of the flame on the altar whence arose only the most fragrant incense—the generous confidence which comes only from mutual respect and affection, there must be much desolation in our hearts.

The tender memories which centre about his life will not be dimmed with the coming and going of the years. How can we ever forget the clustering graces which beautified his character?

We lay him to rest today under these cloudless September skies and in the midst of a landscape of surpassing loveliness. We shall mourn for our brother as he sleeps in this valley he loved so well, and where the gently flowing Miami shall murmur for him a perpetual requiem, as Virgil mourned for Marcellus—the young, the brave, the beautiful—whose memory he has immortalized in fitting verse in the sixth book of the Aeneid.

Over his grave, the verdure of which shall not be greener than his memory, there may well be written for an epitaph what was so touchingly said of young Kirke White:

> "While life was in its spring
> And thy young muse just waved her joyous wing,
> The Spoiler came, and all the promise fair
> Has sought the grave to sleep forever there."

NOTE.—Kappa Chapter was revived October 16, 1889, through the efforts of Ex-Senator Calvin S. Brice and Judge Samuel F. Hunt. Since that time the chapter has taken high rank in Miami University, and among the number she has graduated with distinction was James Robert Bickley, of the class of '97. He delivered the president's address in June last, at the class-day exercises, and was one of the orators on commencement day.

On the morning of September 17th, while returning from a visit to the chapter house, at Oxford, Ohio, he was thrown violently from a bicycle into a deep ravine at the roadside. Death came peacefully upon him the following Monday. The funeral exercises were held on the morning of September 23, 1897, at the New London Congregational Church, of which he had been for many years a worthy and consistent member. Miami University was closed for the day and many of the students were present. The Kappa Chapter attended in a body. The pupils of the New London schools were in attendance and a vast throng of people—friends and neighbors—filled the church edifice and the surrounding grounds. The procession to the grave was an event in the history of the valley.

The services—beautiful and impressive—were under the direction of the Reverend William O. Thompson, D. D., L.L.D., President of Miami University. They included the funeral sermon, by President Thompson; an address by the Reverend Edward W. Abby, of Hamilton, Ohio, and a tribute on behalf of the Delta Kappa Epsilon Fraternity, by Hon. Samuel F. Hunt, of Cincinnati, O. (From *The Delta Kappa Epsilon Quarterly*, June, 1898.)

SPRINGFIELD TOWNSHIP PIONEER ASSOCIATION

Fellow Citizens of Springfield Township, Ladies and Gentlemen, Members of the Pioneer Association:

We have assembled to-day under the spreading branches of the primeval forest and beneath the genial skies of this perfect September afternoon to exalt the maxims and traditions which have become identified with this people, and to preserve for the future the memory of the good men and the good women who laid deep the foundations upon which the homes and the institutions of Springfield township have been erected.

The fires burn brightly on our altars from an enkindled zeal, while the incense of domestic contentment rises in sweetest fragrance from all the homes of our beloved township.

This is indeed a representative gathering. We have come from the banks of Pleasant Run, which flows gracefully toward the great Miami river; from the rich garden spot of the township, watered by Hunt's Run, the current of which at last mingles with that of the mighty Ohio; from the meadow lands and rocky ledges of Whisky Run, with its tortuous windings and quaint associations; and from the gently flowing Mill creek, as it traces its way amidst scenes of picturesque beauty and rural loveliness until, like the Monongahela and Allegheny, another Pittsburg is found, near Arlington Heights, for the junction of its waters.

Delivered at its Fifth Annual Reunion, Mount Healthy, Ohio, September 3, 1898.

We have come from the thrifty Huston settlement; from the region about the Newell school house; from the enchanting landscape of Crestvue; from the highland of Woodlawn, from which a panorama of forest and foliage is spread out like the hanging gardens of old Babylon; from the fertile farming land of "Ground Squirrel College," more beautiful than the far-famed Blue Grass region of Kentucky, from the classic precincts of Science Hall, which overlooks the valley like the majestic Parthenon crowning the Acropolis of Athens, and from the shadow of old Liberty Chapel, the Faneuil Hall of Springfield township.

We have come, too, from the village of New Burlington, with her associations of the New Light faith; from Mt. Healthy, with her history of the Liberty conventions; from Hartwell, with her beautiful maple-shaded avenues; from Lockland, with her hum and whirl of mill life; from Wyoming, embosomed in a sea of verdure; from Springdale, the ancient capital of the township, and from beautiful Glendale, with her forest-capped diadem, the empress of the Mill creek Valley.

Our harvests have all been peacefully gathered to their garners; our valleys are rustling with standing corn; the whistle of "Bob White" is answered from the distant woodland; the songs of happy children mingle with the songs of birds—all the surroundings would woo and win us to-day from the care and strife of a busy life to the friendly grasp of the hand and to the exchange of fraternal greetings. The badge of the Pioneer Association of Springfield township to-day is the badge of the Legion of Honor.

We come here today not only as citizens of Springfield township, but with the higher and more exultant

feeling that we are fellow citizens of the American Union. With peace practically restored, there follows the proud consciousness of great honor for our arms, for our manhood and for the everlasting glory of the flag. There is, too, above the roar of the guns at San Juan and El Caney the sublimely grand thought of a re-united republic, and that the fraternal feeling has been cemented by the blood of a common country. A new generation is here. The north and the south exist only as geographical distinctions, and the animosities of civil war are forgotten. Only its history and traditions are remembered.

There will be criticism of military operations, but it must be remembered that the Hispano-American war was carried on wholly in the tropics, and that both the health and the temper of the soldiers have been subjected to a severe strain. It must not be forgotten, too, that large bodies of troops have been transported great distances by sea—the most difficult task incident to war—and that they have not only been landed promptly and safely, but proceeded expeditiously and successfully to the execution of arduous military operations. The flag of the United States of America is the flag of liberty, of law and of civilization. It has been raised up in Cuba and Puerto Rico and the Philippine Islands, so that it might raise up all men with it.

This great achievement brings with it an immeasurable responsibility for us as a nation. It carries with it the high duty to guarantee equal rights to life, to liberty and the pursuit of happiness to the people, and to all the people, of those islands of the seas. We must extend to them, so long as the flag floats, law, order, equal rights and civil and religious privileges. We must educate the people to self-government, and

then let the future decide whether they shall establish an independent republic or remain a part of the grandest, freest and most representative popular government under the light of the sun.

The same supreme will that demanded this war will demand for the present, at least the extension of our flag and authority where existed the proud sovereignty of Aragon and Castile. This may sound like imperialism, but it is the imperialism that has become identified with the destiny of a great, free government, and which will be welcomed by the American people without reference to party lines. The inspiration of liberty belongs to every heart that beats to be free. The very winds will be its allies. It is the inspiration that thundered forth in Dewey's guns at Manila Bay, and the guns at Santiago de Cuba, no less than at Gettysburg, and declared so that all the world could hear that "a government of the people, by the people and for the people should not perish from the earth."

Nor shall we cease to remember, even in the midst of our exultation and in the sweetness of fraternal reunification, the men who lifted up their hands on land and on sea for the honor of their country. The rich foliage of the tropics may sigh over the new made graves of El Caney and San Juan hill and the island of Luzon, and the waters of the Caribbean murmur a perpetual requiem for the dead, but the heart of this great people will always beat high and responsive at the story of their patriotism and their valor.

The war has given us a conscious unity such as has not been realized since the earliest days of the republic, and has demonstrated not only to Continental Europe, but to the whole world the character and aims

and purposes of our people more than a century has revealed.

It has opened up numerous channels for American capital for investment and industrial improvement. This must be considered in connection with the policy of annexation. The Golden Gate is now the pathway to the orient. We can now stand on the shores of the Atlantic, instead of the shores of the Pacific, and pointing to the west say, "Yonder is India, and China, and Japan, and the islands of the seas." We shall now enter Asia by the back door with our laws, our commerce and our civilization, until the Tigris and the Euphrates shall run through renovated gardens, and Nineveh and Babylon become the foundations of cities of this great American civilization.

We must turn, however, from the glorious pages of martial events to the contemplation of our own local history.

The first printed reference to the Miami rivers is found in a topographical description published in London in 1778, from explorations made in the western wilderness between the years 1764 and 1775 by Captain Thomas Hutchins, of Her Britannic Majesty's Sixtieth Regiment of foot, afterwards geographer of the United States during service with the British armies in this country. He speaks of the Little Mineami as too small to be navigable with batteaux, of its fine land and salt springs, and its high-lands and gentle current, which prevented any great overflow. The Great Mineami, Afferment, or Rocky river is described as having a very swift channel, a rapid stream but no falls, and passable with boats a great way.

Judge Symmes wrote to General Dayton concerning

the Miami purchase, from North Bend, as early as May 27, 1789, that "the country was healthy and looked like a mere meadow for many miles together in some places." It is certain that the forests were rich in foliage and the fertility of the soil unimpaired by long cultivation.

This was the character of the territory which was "erected" into a township called Springfield in 1795 by the Court of General Quarter Sessions of the Peace for Hamilton county. In the general rearrangements of the townships of Hamilton county in 1803 there were certain changes made in the sections, so that it now includes but forty-two sections instead of sixty as originally, and contains but twenty-five thousand, eight hundred and ninety-six acres of land. The south, east and west boundaries are run with approximate exactness, but the lines of the sections commence to break this regularity at the second parallel and continue so until the north or Butler county line is reached, when they resemble the zig-zag of an old-fashioned worm fence.

John Cleves Symmes wrote General Dayton in 1789 that the men and women of the earliest Miami immigration called themselves Miamese—the pioneers of a grand army that came to subdue the wilderness and to conquer only in the name of peace.

The first settlers in Springfield township found the Miami tribe of Indians in possession of the land. They were of the Algonquin stock, the ancient enemy of the Iroquois Indians. Little Turtle, the famous Miami chief, in the treaty of Greenville in 1795, thus described the boundaries of the Miami Indians, in whose history the people of southwestern Ohio are chiefly interested: "My forefather kindled the first fire at Detroit; from

there he extended his line to the headwaters of the Scioto; from thence to its mouth; from thence down the Ohio to the mouth of the Wabash, and from thence to Chicago on Lake Michigan. These are the boundaries within which the prints of my ancestors' homes are everywhere to be seen." The French explorers found the Miamis on this territory, and not anywhere else. Little Turtle was one of the chiefs who signed the treaty of Greenville, and never took the war path thereafter. He died at Fort Wayne thirty years afterward. The Miami Indians refused to join the hostile alliance with Tecumseh, but their sympathies were finally enlisted against the Americans in the war of 1812. A final treaty was concluded with them September 8, 1815, and they have disappeared in the twilight of mystery.

The wonderful fertility and beauty of the Miami valleys were carefully observed by Daniel Boone when a captive among the Shawnees in 1778, and by the war parties from Kentucky led by George Rogers Clark and others against the Indians on the Little Miami and Mad rivers; but the great Ordinance of July 13, 1787, forming the Northwestern Territory, first opened the way for a permanent settlement.

The people of the Miami country were characterized as industrious, frugal, temperate, patriotic and religious. They came from a race historically brave and courageous, and their immediate ancestors were bred in the school of the Revolution. They were the children of those who took an active part in its dangers and sufferings. "They were," says a writer, "as varied in their character and pursuits as the parts they had to perform in the great action before them. Some were soldiers in the long battle against the In-

dians; some were huntsmen, like Boone and Kenton, thirsting for fresh adventures; some were plain farmers, who came with their wives and children, sharing fully in their toils and dangers; some were lawyers and jurists, who early participated in council and legislation; and with them all, the doctor, the clergyman and even the schoolmaster was found in the earliest settlements. In a few years others came, whose names will long be remembered in any true account (if any such shall ever be written) of the science and literature of America. They gave to the strong but rude body of society here its earlier culture, in a higher knowledge and in a purer spirit." The pioneer woman was aptly described by King Lemuel in the Proverbs: "She seeketh wool and flax, and worketh willingly with her hands: she layeth her hands to the spindle, and her hands holdeth the distaff."

Governor Arthur St. Clair, by a proclamation made January 4, 1790, "erected" a portion of the Miami purchase into the county of Hamilton. It was named after Colonel Alexander Hamilton, the secretary of the treasury, who was then but thirty-three years of age. Cincinnati, then known as Losantiville, the county seat, originally was the capital of the Northwest Territory, and in 1799 the first session of the territorial legislature was held there. The area of Hamilton county was then so large as to include about one-eighth of the present territory of Ohio.

In 1792 Henry Tucker, Henry Weaver, Luke and Zebulon Foster, Jonathan Pittman and James McCasken established a station on what is now section four, on the west branch of Mill creek, about one mile south of the present village of Glendale. This was on the military trace between Fort Washington and

Fort Hamilton, and is now known as a continuation of Wayne avenue in Lockland.

In the spring of 1794 a new station house was erected, made necessary by the division of the original party into settlements, and this was called Pleasant Valley Station. A never failing spring of the choicest, clearest water still bears the name of Station spring, and traditionally marks the site as on the line between section four and section ten, on the west bank of Mill creek, on the Hamilton, Springfield and Carthage turnpike and just west of the Woodlawn railroad station. Luke Foster was a lieutenant under St. Clair and made the offer of one hundred bushels of corn to relieve the garrison at Fort Washington in 1789. He remained with the Pleasant Valley settlement until his death, which occurred on August 27, 1851, then in his 88th year, by an accident with a gravel train on the Cincinnati, Hamilton & Dayton Railway, which passed through his farm. Henry Weaver, of this settlement, was appointed by Governor St. Clair, in 1794, one of the justices of the peace for Hamilton county, and later honorably filled the position of associate judge of the court of common pleas.

These men, then, were representatives of the pioneers who pushed their way up the Millcreek valley to reclaim the wilderness and make their homes the abodes of happiness and contentment.

Its first township officers were nominated in 1795 by the Court of General Quarter Sessions of the Peace. The first clerk of the township was John Ludlow, and the first election in Springfield township for justices of the peace was held in 1803.

The value of farming property at that time may be inferred from an advertisement in the *Western Spy*

and *Hamilton Gazette*, of Cincinnati, for July 9, 1800, in which William Ludlow advertises his farm in Springfield township for sale—thirty to forty acres—and offers to take a brood mare in part payment.

Since the organization of the township there has never been a defalcation of the public funds nor a breach of public duty on the part of its officers; and the long list of justices of the peace since the first election in 1803 has included men not only of good, practical judgment, but of incorruptible integrity. Alexander Brown, Reuben VanZandt and John M. Cochran were fit types of our earlier township officers, and Alexander Mayhew, Samuel McLean and Reeves McGilliard were fit types of our earlier magistrates.

The first certificate or "Miami Land Warrant" within the Symmes Purchase was issued December 17, 1787, to Major Stites by John Cleves Symmes, and authorized the location of six hundred and forty acres at the point "between the mouth of the Little Miami and the Ohio in the pint." The fear of Indian depredations, however, hung like a pall over the Ohio Valley and deterred immigration to the Miami country. This was greatly increased by the fatal defeat of Arthur St. Clair by Little Turtle, chief of the Miamis, near Fort Recovery, Ohio, on the fourth day of November, 1791, and was not removed until the decisive victory of Anthony Wayne at the battle of the Fallen Timbers, on the twentieth day of August, 1794, and the subsequent treaty of Greenville on August 31, 1795. The prospect of permanent peace encouraged immigration again, and then commenced a history of uninterrupted growth and prosperity for the whole Miami country. Ohio was admitted as a State into the Union in 1802,

and the growth for the past quarter of a century was most remarkable.

More than one hundred years have passed since the first settlement was made within the present limits of Springfield township. The Station spring still flows on—bright and clear and sparkling—to Mill creek, and yet three generations of men have appeared and disappeared since the establishment of the pleasant Valley Station. Those who laid broad and deep the foundations for the future have been followed like the torch of progress handed down from hand to hand, by others who have contributed to the material growth and the intellectual and moral development of the community.

'Squire Jacob Senteny Peterson, of Springdale, born May 20, 1804, is the oldest living resident in Springfield township.

In the early history of Springfield township will be found the names of Foster, Tucker, Ludlow, Weaver, Pittman, Skillman, White, Griffen, Winans, Pryor, Flinn, Caldwell, Cain, Miller, McIntire, Preston, Lefferson, Williamson, Martin, Pegg, Cogy, Thompson, Moore, Roll, Little, Adams, Gogin, Smith, Swallow, McGill, Swain, Scott, Wingent, Goble, Cameron, Chamberlain, Crane, Dom, Lane, Wright, LaBoiteaux, VanDyke, Brown, Baldwin, Bolser, Schooley, Wilmuth, Captain John Brownson, Seward, McCormick, Long, Whellon, Pierson, Pendery, Hardenbrook, Hoel, Newell, Sprong, Urmston, LaRue, Van Zandt, McCash, Johnson, Jessup, Walden, Hoffner, McGilliard, Rodgers, Miles, Page, McLean, Mayhew, Allen, Hunt, Hilts, Cox, Field, Perlee, Riddle, Peterson, Watson, Lindley, Packer, Snodgrass, Wolverton, Waterhouse, Duval, Walker, Friend, Hall, Carman, Hills, Yerkes,

Huston, Carnahan, Cochran, Compton, Cummings, Lovett, Pratt, Kemper, Prague, Charles, Page, Palmer, Bacon, House, Hough and Tangeman.

Some were laid away in the private burial ground on the very farm whose forests they felled; some sleep in the old church yard at Reading; some lie in the neglected graveyard at Finneytown; some lie under the shadow of the church at New Burlington; some were buried in yonder cemetery, where Mt. Healthy cares for her dead; the names of many are inscribed on the tombstones in the old cemetery of Springdale —which marks the site of the old church of the northwest territory—while some await the morning of the resurrection in the city of the dead at Hamilton, and in beautiful Spring Grove cemetery. They were frugal and industrious and patriotic; they were orderly and respectful of constituted authority; they were reverent of religion and encouraged the means of education.

A self-respecting community, a law-abiding community and a God fearing community will hold to their memory with an abiding affection. Their influence for good, like the pure and clear and sparkling water of the Station spring, will rise in the unmeasured years of Springfield township.

In the belfry of the Presbyterian church at Springdale there is an inscription which was prepared by the congregation which first worshiped at Foster's station in 1792. It shows that our fathers looked unto the hills whence came their help, and that a Divine Providence gently led them by the hand through all the trials of the wilderness. With Isaiah they went up to the mountain of the Lord and to the house of the God of Jacob, and were taught of His ways and walked in His

paths. It is not strange that all things were ordered and settled on the best and surest foundations and that peace and happiness, truth and justice, religion and piety have been established among this people for all generations.

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